



LAW SOCIETY OF UPPER CANADA
GREAT HALL OSGOODE HALL
130 QUEEN ST. W.
TORONTO ONT. CAN. M5H 2N6

LAW SOCIETY OF UPPER CANADA.

HILARY TERM, 1897.

TUESDAY, Feb. 2.

Present, between ten and eleven a.m., the Treasurer and Messrs. Strathy, Moss, Britton, Macdougall, Bayly, S. H. Blake, Edwards, O'Gara, Martin, Wilkes, Idington, Bruce, Maclellan, Kerr, Osler and Riddell, and in addition, after eleven a.m., Messrs. Ritchie, Watson, Shepley, Douglas, Gibbons and Hoskin.

The minutes of Friday, Dec. 4th, 1896, were read and confirmed.

Ordered that Mr. J. M. Laing be called to the Bar and receive his certificate of fitness.

A deputation from the Osgoode Athletic Association were heard on the subject of encouragement to the Association.

The Secretary reported: That in pursuance of the order of December 4th, 1896, the name of Mr. Charles Cyrus Grant, student-at-law, has been removed from the Roll of the Society, upon which his name had appeared as a student-at-law of the Matriculant Class.

Ordered that Mr. L. H. Dickson, a solicitor of over ten years standing, be called to the Bar.

Miss Clara Brett Martin and Messrs. J. M. Laing and L. H. Dickson were then called to the Bar.

The petition of Messrs. S. V. Blake, E. Mortimer and F. A. C. Redden was read which sets forth that these gentlemen are solicitors and barristers of this province, now resident in England and desirous of being admitted as solicitors in England. They submit that it would be a convenience to Ontario practitioners to be able to employ as agents in England persons conversant with the laws of Ontario and Canada. In the ordinary course, they would have to serve five or three years, as the case may be, in order to be admitted in England, but legislation is in contemplation by the Imperial Parliament whereby solicitors of a colony such as Ontario may be admitted in England without further service, and with or without examination, on condition that the regulations of the colony provide for the admission of English solicitors to practice in the colony on like terms. The petitioners ask Convocation to move the Ontario Legislature to dispense with or give Convocation power to dispense with the condition of further service and examination as a preliminary to the admission of English solicitors to practice in Ontario, in consideration of the reciprocal legislation of the Imperial Parliament.

There were also submitted the letter of the Hon. A. S. Hardy, Attorney-General, to the Treasurer, dated the 1st Feb., 1897, letters from the Under Secretary of State to the Lieutenant-Governor of Ontario, dated 30th June, 1896, and January 9th and 10th, 1897, accompanied by copies of letters dated June 2nd and 4th, 1896, from the High Commissioner to the Minister of Justice, and of a letter dated May 22nd, 1896, from the Colonial Office to the High Commissioner, accompanied by a draft of the proposed Bill to be introduced during the then next session of the Imperial Legislature.

It was ordered that the matter be referred to the Legal Education Committee for consideration, and report to Convocation.

The Treasurer communicated the letter of the Hon. the Attorney-General, of 29th January, to him, begging to resign his membership of the County

Libraries Committee. The resignation was accepted, and on motion of Mr. Martin, Mr. A. J. Wilkes was placed on the County Libraries Committee in the place thus made vacant.

Mr. Shepley then presented the report of the Librarian to the Library Committee for the last year. The report was read and ordered to be circulated among the profession with the next number of the Reports.

Ordered that Mr. Eakins be appointed Inspector of County Libraries for 1897, and that he be paid \$200 for his services, which sum is to include all his expenses.

Mr. Osler, from the Building Committee, reported that the work and improvements ordered in the East Wing have been completed to their satisfaction, and within the estimates and grant given by Convocation.

Ordered that the report of the Discipline Committee upon the complaint of Mr. R. L. Fraser against Mr. John MacGregor, be taken into consideration on Friday, Feb. 12th, 1897.

Mr. Watson, from the Finance Committee, presented the annual statement of the revenue and expenditure for the year 1896. Ordered that the statement be distributed to the profession pursuant to the statute and rule in that behalf.

Pursuant to the order of Dec. 4th, 1896, Convocation resumed consideration of the report of the Discipline Committee upon the complaint of John O. Connors against Mr. T. C. Robinette. Mr. Robinette appeared, as did also Mr. Lamport, counsel for complainant. Both made statements and withdrew. Ordered that the report be adopted and action thereon deferred until the first day of Trinity Term, 1897. Mr. Robinette was called in, and the Treasurer informed him that owing to the serious nature of the charge which has been proved against him Convocation, had deferred taking action in the matter until the first day of Trinity Term next.

Mr. Osler then moved that Convocation take into consideration the plan to be pursued for the compilation of a Consolidated Digest of the Canadian Reports from the earliest period, to end with the year 1899, or for any modified plan for a digest over any less period.

Mr. S. H. Blake then moved: That it is expedient to publish a digest of all the Ontario Reports, including the Practice Reports, the Exchequer Reports and the Election Reports from the earliest period to the close of the century, also the Supreme Court Reports and such reports in the Privy Council as deal with Canadian cases, at such price as may seem expedient to the Reporting and Finance Committees, who are to settle the details of such digest, and report to the next meeting of Convocation as to the price and such other details as may seem to them proper. Carried.

Mr. Watson, from the Finance Committee, reported: They have had under consideration the question of the annual grant made under the resolution of December 7th, 1894, whereby a sum equal to the income of the fund bequeathed by the late Mr. Phillips Stewart for the purposes of legal education, is annually placed at the disposal of the Legal Education Committee for the purchase of books for "The Phillips Stewart Library." Your Committee consider that the reason for making such annual grant no longer exists, inasmuch as the Students' Library is now on such a footing that it is possible to maintain it without any further expenditure upon it than the sum earned by the bequest as annual income, upon the investment thereof, amounting to about \$265. Your Committee therefore submit that the annual grant for the purpose aforesaid is no longer necessary, as in the early period of the establishment of this library, and they recommend that the annual grant be discontinued. Adopted and ordered accordingly.

The Finance Committee have had under consideration the payments for publication of early notes of cases made to the CANADA LAW JOURNAL and the *Canadian Law Times*, and the Committee recommend that the same be discontinued. The consideration of this portion of the report was deferred.

Ordered that the time for the presentation of the report from the Special Committee appointed in respect to the question of allowances to Benchers for travelling expenses, be extended until Feb. 12th.

The letter of the Secretary of the Frontenac Law Association asking that books be loaned from the library at Osgoode Hall to members of the profession, was read. The Secretary was directed to say that such a plan would be impracticable.

Convocation then rose.

WEDNESDAY, Feb. 3.

Present : The Treasurer and Messrs. Hoskin, Douglas, Osler, Strathy, Moss, Gibbons and S. H. Blake.

The minutes of the meeting of Convocation held on 2nd February were read and confirmed.

Upon the reading of the minutes of yesterday's meeting of Convocation the chairman of the Legal Education Committee explained that he had received no previous intimation of the motion in reference to the cessation of the grant to the Students' Library, and it also appearing from the statements of the other members of the Legal Education Committee present, that no knowledge of such motion had been brought before such Committee, it was moved by Mr. Strathy, and carried : That the question be re-opened, and the matter of same be considered at the next meeting of Convocation.

Convocation then rose.

FRIDAY, Feb. 12.

Present : The Treasurer, and Messrs. Proudfoot, Martin, Hoskin, Strathy, Osler, Guthrie, Bell, Shepley, Britton, Bruce, Moss, Idington, Wilkes, Watson, Edwards and Aylesworth.

The minutes of the meeting of the 3rd February were read and confirmed.

Mr. Moss, from the Legal Education Committee, reported upon the application of Mr. C. K. Graham to be admitted as a student-at-law, as of Trinity Term, 1896, that they are unable to recommend his admission at this late date. Ordered accordingly.

Mr. Moss, in accordance with Rule 151, laid on the table a copy of the regulations adopted by the Legal Education Committee for the conduct of the examinations in the Law School, Easter, 1897, and the regulation for the use of pseudonyms by the candidates.

Mr. Moss, from the Legal Education Committee, stated that he was directed to inform Convocation in regard to the matter of the petition of Messrs. F. A. C. Redden, S. V. Blake and E. Mortimer, and the letter of the Hon. the Attorney-General, with reference to establishing a plan of reciprocity for the admission of English solicitors to practice in Ontario, and Ontario solicitors to practice in Great Britain and Ireland, which had on the 2nd inst. been referred to that Committee for consideration and report, that the Committee had had the matter under consideration and had procured some information additional to that contained in the papers submitted, but it was found that it would be desirable that further information which the Committee had not yet been able to procure since the reference was made, should be obtained, and they ask to be allowed to report next term. Ordered accordingly.

Ordered that the report of the Discipline Committee on the complaint of Mr. R. L. Fraser against Mr. John MacGregor be considered on Tuesday, May 18th, 1897, at noon, and that Mr. John MacGregor do show cause why the report should not be adopted and acted upon ; and it was ordered that a

copy of the report be delivered to Mr. MacGregor personally, and that he be notified to attend the meeting of Convocation on the day and at the hour above mentioned, that a copy of the report be delivered to Mr. Delamere, counsel for the complainant, and that he also be notified to attend if he thinks proper. It was further ordered that a special call of the Bench be made for that day and hour to deal with the said matter.

Mr. Martin stated that in view of the large expenditure which may have to be incurred in relation to the proposed Consolidated Digest, he would withdraw his notice of motion as to supplying the profession with the statutes.

Ordered that the report of the Finance Committee in relation to the discontinuance of the annual grant to the Students' Library be referred back to them for further consideration, with a request to them to invite the Legal Education Committee to reconsider the matter jointly with them, and to report thereon.

Mr. Osler was appointed convener of the Joint Committee, composed of the Finance and Reporting Committees, in respect of the details of the proposed Consolidated Digest.

The report of the Finance Committee, presented to Convocation on Feb. 2nd, recommending the discontinuance of payments to the *Canada Law Journal* and the *Canadian Law Times*, for publication of notes of cases, was then adopted.

Mr. Watson, from the Special Committee, appointed on the 4th December, 1896, to enquire into and report on the probable outlay to the Society and the powers of Convocation in relation to the payment of allowances to non-resident members of Convocation, and to report upon the question of the days and times of meeting of Convocation, reported as follows: "That at a meeting of the Committee the questions submitted were considered. Appended hereto is a memorandum of expenses that would be incurred if all the outside members of Convocation attended every meeting of Convocation and also every meeting of the several Committees. The Committee is of opinion that Convocation has jurisdiction to provide for such remuneration, but in view of all the surrounding circumstances and having regard to the financial report presented to Convocation for the last preceding year, and the large expenditure contemplated for Century Digest, and to the custom which has so long prevailed under the constitution: Your Committee is of opinion that no provision should be made at present for the remuneration or reimbursement of expenses to the outside members, and that the resolution in favor of such payment by the Law Society should be rescinded. The Committee also recommends that no change be made at present in the number and times of meeting of Convocation."

Ordered that the report be taken into consideration on Tuesday, 18th May, and that a copy of the report be sent to every member of Convocation and that the notices of motion given by Mr. Watson and Mr. Bayly in reference to the rescission of the resolution of the 15th September, 1896, providing for the payment of allowances to non-resident Benchers, do stand until said 18th of May.

Mr. Moss, from the Legal Education Committee, reported as follows: They have had under consideration the subject of exemption of students in the Law School who have failed in their examination, from further attendance on lectures in the year in which they have failed; and are of opinion that no change should be made in the existing rules with reference to the matter.

Mr. Martin then moved that the report be not adopted, and that rule 179 be rescinded. Lost. The report was then adopted.

Convocation then rose.

STATEMENT OF

Revenue and Expenditure

OF THE

LAW SOCIETY

FOR THE YEAR ENDING 31ST DECEMBER, 1896.

PURSUANT TO R. S. O. CHAPTER 145, SECTION 53.

The Figures at the left comprise the corresponding items for the year 1895.

REVENUE.		1896
1895	<p>Solicitors' Certificates :</p> <p>Paid after beginning of year, but payable in Michaelmas previous . . . \$1,965 00</p> <p>Fines Collected 261 00</p> <p>Fees and Fines in arrear prior to Michaelmas of preceding year . . . 560 00</p> <p>Payable in Michaelmas of current year 23,677 00</p> <hr/> <p>Barristers' Annual Fees :—</p> <p>Paid after beginning of year, but payable in Michaelmas previous . . . 274 00</p> <p>In arrear prior to Michaelmas of the preceding year 250 00</p> <p>Payable in Michaelmas of current year 3,018 00</p> <hr/> <p>Notice Fees</p> <p>Students' Admission Fees \$2,600 00</p> <p>Less Fees returned 100 00</p> <hr/> <p>Fees on Petitions and Diplomas</p> <p>Law School Tuition Fees \$4,825 00</p> <p>Less Fees returned 50 00</p> <hr/> <p>Solicitors' Examination Fees \$3,550 00</p> <p>Less Fees returned 350 00</p> <hr/> <p>Call Fees under 57 Vict. cap. 44 . . . \$ 600 00</p> <p>“ in Ordinary Cases 5,615 00</p> <hr/> <p>Less Fees returned 650 00</p> <hr/>	1896
\$ 3,419 00		
189 00		
292 50		
23,275 00		
<hr/>		
\$27,175 50		\$26,463 00
\$500 00		
190 00		
2,974 00		
<hr/>		
3,664 00		3,542 00
246 00		168 00
<hr/>		
\$3,850 00		
100 00		
<hr/>		
3,750 00		2,500 00
147 00		104 00
<hr/>		
4,525 00		4,775 00
<hr/>		
\$4,820 00		
150 00		
<hr/>		
4,670 00		3,200 00
<hr/>		
\$ 900 00		
7,575 00		
<hr/>		
\$8,475 00		
270 00		
<hr/>		
8,205 00		5,565 00
<hr/>		
\$52,382 50	Carried forward	\$46,317 00

\$52,382 50	Revenue—Brought forward	\$46,317 00
568 90	Receipts from sales of Reports	294 76
148 50	“ “ “ Ontario Digest	56 25
	County Library Loans returned :—	
\$100 00	Hamilton	\$100 00
30 00	Essex	30 00
16 00	Norfolk	16 00
34 50	Peterboro'	34 50
40 00	Perth	
43 20	Bruce	10 80
263 70		191 30
62 88	Commission on Telegraph Messages	58 48
4,444 84	Interest and Dividends	4,147 54
6 00	Fines in respect of Students' Lending Library	7 00
70 50	Unforeseen	10 97
142 28	Refund from Phillips Stewart Estate of amount credited on Income Account	
122 50	Surplus remaining from estimated expenditure on Supreme Court Reports in 1896	
<u>\$58,212 60</u>	Grand total	<u>\$51,083 30</u>

EXPENDITURE.

REPORTS :—

\$5,672 69	Printing Reports, and notes of Cases	\$4,715 35
	Salaries :—	
\$2,000 00	Editor	\$2,000 00
1,200 00	Reporter, Q. B. D.	1,200 00
1,200 00	“ C. P. D.	1,200 00
1,200 00	“ Chy. D.	1,200 00
1,200 00	“ “	1,200 00
1,000 00	“ Court of Appeal	1,000 00
1,200 00	“ “	1,200 00
900 00	“ Practice Cases	900 00
9,900 00		9,900 00

COST OF QUINQUENNIAL DIGEST, 1891-1895 :—

Compilation :—

Editor	\$ 400 00
Compilers	1,100 00

\$1,500 00

Printing and Distribution	2,154 05
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3,654 05

LAW SCHOOL :—

Salaries :—

\$5,000 00	Principal	\$5,000 00
6,000 00	Four Lecturers at \$1,500.00 each.	6,000 00
1,050 00	Salaries of Examiners	1,050 00
207 50	Fees to Scrutineers at Examinations	230 00
208 00	Special allowance to Acting Principal for his services	
	Principal's expenses visiting Law Schools in the United States ..	70 25

12,465 50

12,350 25

\$28,038 19

Carried forward \$30,619 65

\$28,038 19	Expenditure—Brought forward	\$30,619 65
423 60	Printing and Stationery	502 47
753 75	Scholarships and Medals	770 75
1,173 27	Caretaking, Light, Heating, Furniture and Maintenance	1,359 85

LIBRARY :—

4,084 19	Books	4,759 08
638 95	Binding and repairs	567 60
233 00	Maintenance and small disbursements	147 86

Salaries :—

\$1,800 00	Librarian	\$1,800 00
816 59	Assistant Librarian	1,000 00
166 50	Attendants during evenings	162 75
2,783 09		2,962 75

LAW COSTS :—

\$300 00	Solicitors' Allowance	\$300 00
207 91	Taxed costs and Counsel Fees	597 66
507 91		897 66

647 20	TELEGRAPH AND TELEPHONE OFFICE	647 20
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LIGHT, HEATING, WATER, GROUNDS AND INSURANCE :—

\$890 00	Payment to Ontario Government for Steam Heating	\$890 00
362 70	Lighting	352 76
128 55	Heating	136 25
45 38	Water	74 78
996 19	Grounds	1,119 65
	Insurance on Stewart Library	18 00
4 00	Rent of drawer in safe deposit vault for safe-keeping of Inventories ...	4 00
2,426 82		2,595 44

3,078 60	RENOVATION OF IRON FENCE	
614 23	ADDITIONS, ALTERATIONS, REPAIRS AND FURNITURE ..	601 66

\$45,402 80	Carried forward	\$46,431 97
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\$45,402 80

Expenditure—Brought forward.....\$46,431 97

COUNTY LIBRARIES AID :—

Annual Grants.

	Bruce	\$ 28 00
\$ 82 00	Bruce (for three years).....	
146 17	Essex	154 17
89 34	Grey	93 34
87 34	Frontenac	97 00
164 17	Lindsay	166 64
552 50	Hamilton	547 50
55 00	Elgin.....	50 00
168 00	Peterborough	158 00
170 00	Wellington	185 00
800 00	York	800 00
458 34	Middlesex	465 83
348 34	Carleton	445 00
55 00	Norfolk	55 00
126 67	Simcoe	110 67
80 34	Brant	122 17
25 00	Leeds.....	188 34
69 00	Perth.....	75 00
	Hastings	131 67
270 00	Hastings (for three years)	
	Oxford	170 00
<hr/>		<hr/>
\$3,747 21		\$4,043 33

Initiatory Grants.

	Huron	\$620 00
	Waterloo	450 00
		<hr/>
		1,070 00
27 61	Books and Current Digest	6 12
	Payment to Inspector (Mr. Fleming)	50 00
	Payment to Inspector (Mr. Eakins)	200 00
<hr/>		<hr/>
3,774 82		5,369 45

SECRETARIAT AND CARETAKING :—

\$1,500 00	Secretary's Salary	\$1,500 00
525 00	Caretaker's Wages	525 00
100 00	Auditor's Fee	100 00
191 71	General Expenses of Office	268 92
<hr/>		<hr/>
2,316 71		2,393 92

PRINTING, ADVERTISING AND STATION-
ERY :—

	Advertising	\$ 6 20
\$ 81 00	Resumé	76 50
	General Printing and Stationery	
211 90	Account	333 23
	Printing the Rules	314 30
<hr/>		<hr/>
292 90		730 23
<hr/>		<hr/>
\$51,787 23	Carried forward	\$54,925 57

\$51,787 23 Expenditure—Brought forward..... \$54,925 57

PHILLIPS STEWART LIBRARY:—

291 12 Grant of an amount equal to the income earned
by the Trust Fund for the current year..... 265 99

LEGISLATION :—

821 39 Travelling expenses of representatives of Law
Associations attending the Law Reform Con-
vention, etc.
EXPENSES CONNECTED WITH ELECTION OF BENCHERS 939 50

MISCELLANEOUS :—

\$471 03	Term Lunches	\$467 09	
250 00	Grant to Widow of the late Secretary	250 00	
57 00	Postage	58 50	
3 50	Telegrams	8 96	
3 00	Rent of Box in Safe Deposit Vaults	3 00	
15 00	Engrossing resolutions.....		
	Portraits of Hon. S. Richards and		
778 00	Chief Justice Meredith		
73 38	Ice, 1893, 1894, and part of 1895 ..		
	“ for 1896.....	19 70	
9 88	Miscellaneous	20 50	
1,660 79	—————		827 75

BUILDING EXPENDITURE :—

704 98 Library Extension to the West

	Alterations to East Wing	5,880 00
	Insurance in respect of Workmen's Risks.....	430 50

ENTERTAINMENT OF LORD RUSSELL, L.C.J. 247 10

SUPREME COURT REPORTS :—

2,700 00	Amount appropriated to supply the Supreme Court Reports to Practitioners	
	Subscription to Vol. 26, and sundries	2,786 93
<u>\$57,965 51</u>		<u>\$66,303 34</u>

Audited and found correct,

HENRY WM. EDDIS, F. C. A.,

Auditor.

Toronto, 1st February, 1897.

THE LIBRARY,

OSGOODE HALL,

January 25th, 1897.

*To the Chairman and Members of the Library Committee of
the Law Society of Upper Canada :—*

The Librarian begs to submit his report for the year 1896,
as follows :—

The total expenditure upon Library account during the
year was \$8,442.56, being \$57.44 less than the amount esti-
mated. This sum was expended as follows :

Books and Periodicals.....	\$4,814 98
Binding	311 75
Re-binding, Repairs, etc.....	180 70
Supplies, Incidentals, etc	172 88
Salaries.....	2,962 25
	<hr/>
	\$8,442 56
	<hr/>

Further details of these expenditures are given in a state-
ment appended to this report; also, an estimate of the
expenditures for the current year.

The number of volumes added to the Library was 1,605,
making the total number on our shelves 30,366. Of the year's
accessions, 181 were donated, 184 had been taken in as

periodicals and were bound during the year, and 1,240 were purchased. A classified list of the accessions and a list of the donations, with the names of the donors, will be found appended to this report. Among the accessions were the following :—

	VOLS.
Proceedings of the Fur Seal Arbitration at Paris, 1893	16
Year Books, 20-22 Ed. I., 11-15 Ed. III	6
Irish Statutes, 1310-1800, with Indexes	23
New Brunswick Acts, 1828-36, 1846-53	4
Official Gazette U. S. Patent Office, 1872-84	28
Indexes to same	9
Witthaus & Becker's Medical Jurisprudence	4
Iredell's North Carolina Equity Reports	8
Revue de Législation, 1845-48	3
Seigniorial Questions (Lower Canada)	2
Indian Law Reports. Allahabad, Calcutta, Bombay and Madras Series, 1876-95	76
Sutherland's Digest of the Indian Law Reports	3
Victorian Law Reports Digest, 1861-90	2
Victorian Statutes, 1890	7
Victorian Acts, 1891-5	5
Cranenburgh's Unrepealed General Acts, India, 1834-94	3
London Times, 1870-86	68
Palmer's Index to the Times, 1829-96	272

The collection of State and Territorial laws (U.S.)—comprising in each case a recent revision or consolidation, with all subsequent session laws—was completed to date during the year by the addition of a large number of volumes.

The Librarian hopes to be able during the current year to complete his preparations for the publication of a new catalogue, and an estimate of the cost of the work is appended to the Library estimates for 1897.

The Library was open on 217 evenings during the year, and the attendance was as follows:—

	TOTAL.	AVERAGE PER EVENING.
Barristers	1450	6.68
Students	1446	6.66
	<hr/> 2896	<hr/> 13.34

The largest attendance on any evening was 39. As compared with the previous year there was a very large decrease in the attendance, the total for 1896 having been 3,856, and the average per evening, 17.37.

All of which is respectfully submitted.

W. GEO. EAKINS,

Librarian.

EXPENDITURES, 1896.

Books, Periodicals, etc. :—

Books and Pamphlets.....	\$4,168 87	
Periodicals	456 87	
Stamping (539 vols.)	67 40	
Freight, Brokerage, etc.....	121 84	
	<hr/>	\$4,814 98

Binding :—

184 vols	311 75	
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Re-binding, Repairs, etc. :—

290 vols	180 70	
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<i>Supplies, Incidentals, etc. :</i>	172 88	
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Salaries :—

Librarian	\$1,800 00	
Assistant Librarian	1,000 00	
Night Assistants.....	162 25	
	<hr/>	2,962 25

Total Expenditure	<u>\$8,442 56</u>	
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Estimated Expenditure	<u>\$8,500 00</u>	
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ESTIMATED EXPENDITURES, 1897.

Books, Periodicals, etc. :—

Books and Pamphlets.....	\$4,000 00	
Periodicals	500 00	
Stamping	75 00	
Freight, Brokerage, etc.....	100 00	
	<hr/>	\$4,675 00

<i>Binding</i>	375 00	
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<i>Re-binding, Repairs, etc.</i>	250 00	
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<i>Supplies, Incidentals, etc.....</i>	225 00	
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<i>Salaries</i>	2,975 00	
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\$8,500 00

Cost of New Catalogue	<u>\$1,200 00</u>	
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LIBRARY ACCESSIONS, 1896.

	VOLS.	COST.
Texts, Canadian	19	\$ 68 60
“ English	142	432 27
“ United States	34	156 95
Reports, Canadian	54	118 59
“ English	91	315 06
“ United States	186	720 20
“ Australasian	3	21 00
“ Indian	76	375 00
Statutes, Canadian	49	83 40
“ English	42	91 42
“ United States	154	596 10
“ Australasian	14	93 50
“ Indian	3	25 00
Digests, Indexes, etc	314	608 56
Parliamentary	134	155 50
Miscellaneous (Bound Periodicals, etc.)	219	559 97
General Literature	71	138 36
	<u>1,605</u>	<u>\$4,559 48</u>
Pamphlets	<u>80</u>	<u>\$9 95</u>
Volumes Purchased	1,240	
Volumes Donated	181	
Volumes Bound for the Library	184	
	<u>1,605</u>	

DONATIONS.

	VOLS.
Dominion Government—Sessional Papers, Journals, Statutes etc.	24
Ontario Government—Sessional Papers, Journals, Statutes, etc.	12
Quebec Government—Sessional Papers, Journals	3
Nova Scotia Government—Journals, Statutes	2
New Brunswick Government—Statutes	1
Manitoba Government—Statutes	3
North-West Territories Government—Ordinances.....	1
British Columbia Government—Statutes	1
Prince Edward Island Government—Statutes	1
Department of Agriculture, Canada—Statistical Year Books, 1895	1
Department of Agriculture, Ontario—Annual Report, 1895....	2
United States Commissioner of Education—Annual Report 1892-93, 1893-94	4
United States Superintendent of Documents—Proceedings of Fur Seal Arbitration, 1893	16
United States Superintendent of Documents—Catalogue of Public Documents, U.S.	1
Minister of Education, Ontario—Doc. History of Education in U. C., vol. 3.	1
Secretary of State, Montana—Montana Reports, vols. 16, 17 ..	2
Toronto University—Examination Papers, 1895	1
Queen's University—Calendar, 1896-7	1
Queen's University—Examination Papers, 1896	1
Victoria University—Calendar, 1896.....	1
Trinity University—Calendar, 1896	1
New York State Library—Comparative Summary of Legislation	1
Christopher Robinson, Esq., Q.C.—English Law Texts, etc....	74
Angus McMurchy, Esq.—Liquor Prohibition Appeal, P.C., 1895	2
Hon. the Attorney-General of Ontario—Liquor Prohibition Appeal, P. C., 1895	1
Diossy Law Book Co.—Fowler's Law of Charitable Uses in New York	1
Incorporated Council of Law Reporting—Chronological Table and Index of Statutes	8
Lawrence Heyden, Esq.—Reeves' History of the Government of Newfoundland	1

VOLS.

Lawrence Heyden, Esq.—Christie's History of Lower Canada, vol. 1	1
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Mr. Christopher Robinson, Q.C., and Mr. Lawrence Heyden, also contributed a number of interesting and valuable pamphlets.

Law Society of Upper Canada.

MEMORANDUM 4

AS TO A

CONSOLIDATED DIGEST.

BY THE EDITOR.

ORDERED BY CONVOCATION TO BE PRINTED AND DISTRIBUTED TO ALL THE
BENCHERS.

The matter has been considered with reference to

(1) MATERIAL, (2) COST, (3) TIME.

(1) MATERIAL.

I think any consolidation should begin at the beginning of law reporting in this Province, *i.e.*, where Robinson & Joseph's Digest begins. It has been suggested that Confederation should be the commencement; but although two legislative bodies have been at work, on the whole the nature of the legislation has not changed in any marked degree since that particular time: at any rate, not in such a way as to materially affect case law by marking a distinct epoch. Constitutional law is probably the chief exception. Robinson & Joseph, up to Confederation, contains about 62 vols., or less than one-third of the quantity contained in the work (191 vols. excluding U. C. Law Journal cases), about one-seventh of the amount of

material that would form a consolidated digest. Taking Robinson & Joseph and the digests since published, and allowing for the accumulation of material during the following three or five years, the amount of material to be worked on will be about as follows:—

Robinson & Joseph.....	4,736	Cols.
10 Years' Digest	2,252	“
5 Years' Digest	1,056	“
5 Years to Accumulate (say)	1,056	“
		<hr/>
		9,100 Cols. or 4,550 pages.

To which must be added 652 pages for tables of cases, cases reversed, etc., and table of Statutes. This includes the doubling of the tables of cases to Robinson & Joseph, where the cases are indexed under Plaintiff's name only, and also the addition of a table of cases reversed, etc., to the portion included in Robinson & Joseph, there being no such table to that work..... 652 “

5,202 pages.

Say 5,200 pages, which will make four volumes, each the size of the Robinson & Joseph volumes, and about 700 pages more than the English Consolidated Digest, 1865-1890.

Should only three years' future material be added, about 250 pages should be taken off this estimate, which may be further reduced by expurgation of obsolete matter and revision of head notes, if thought desirable.

(2) Cost.

The cost of printing will depend more or less on the number of copies and quality of paper. The prices payable for the last digest were to have been \$2.30 a page for 1,000 copies, \$2.40 for 1,200, \$2.61 for 1,500, and as

issued it cost \$2.92 for 2,000 copies. If distributed free to the profession the cost of printing a consolidated digest would be about \$15,000.

To ensure accuracy, in addition to the proof reading by printer and compilers, the revised proof should be compared with the original copy by some one employed for that purpose. The tables of cases, etc., should not be prepared by the compilers. The cost of the actual work of compiling has hitherto been about equal to the cost of printing, and I think it has not been overpaid. Although the work on the digest already issued will be of service in the compilation, this will only be so far as the grouping cases under titles is concerned. The whole of the other work of arranging the matter under sub-titles and sub-divisions will have to be done afresh, with probably a great deal of change in the sub-titles, etc., and the whole of the cases in Robinson & Joseph and the ten years' digest—in other words, three-fourths of the work will require the addition of headlines, involving thought and care; while all the cases so far as the first word of the headlines is concerned will have to be arranged alphabetically, with reference to the sub-titles and sub-divisions. Substantially, with the exception of the grouping under titles, the old work will be useless.

It is assumed that the alphabetical method followed in the last Ontario Digest, and which is the system adopted in all recent digests, is the most acceptable. I think it has great advantages over any other method. To the cost will have to be added the price of at least two copies of Robinson & Joseph for each compiler.

(3) TIME.

The time to be taken for compilation will depend partly on what is to be done to the former digests in the way of excising matter considered obsolete, and of shortening head notes of cases where possible. If these are thought desirable they will take a good deal of time. Any excision will probably be confined to Robinson & Joseph's Digest. As fresh material to the extent of one year may be said to have already issued, there is material for four years or two years yet to accumulate (according as five or three years are to be added to existing material), and I think whichever period is adopted there should be no delay in commencing, so that as short a time as possible may elapse between the closing of the compilation and commencement of the printing. Under any circumstances, printing will not take less than from two and one-half to three years from the finishing of the compilation. Robinson & Joseph and the last edition of Chitty's Equity Index each took six years. In both cases there were delays not likely to occur again. The English Consolidated Digest took three years to prepare by an editor and six compilers, with the advantage of compiling and printing going on at one time, there being type enough to set up the whole of the matter at once. As it took six months to set up and print the last five years' digest, it would appear that the time indicated is, if anything, too short.

Rowsell & Hutchison have enough type to set up 300 pages at one time, a larger quantity of brevier than a printing office usually has. Additions to this will of course expedite the printing, but under any circumstances I believe the time mentioned will be required.

LAW SOCIETY OF UPPER CANADA.

EASTER TERM, 1897.

TUESDAY, MAY 18.

Present: The Treasurer and Messrs. Edwards, Kerr, Strathy, Bayly, Martin, Bruce, Clark, Idington, Hoskin, Ritchie and Shepley.

The complaint of Mr. J. B. Tremain against Mr. L. F. Heyd, barrister, was read. Ordered that complainant be informed that the matter complained of is not one which falls within the powers of the Law Society.

The complaint of Mr. P. P. Newell against Mr. C. F. W. Clarke of Tilsonburg, solicitor, was read. Ordered that the Secretary do inform the complainant that the ordinary proceedings of the Court will afford him relief if he be entitled thereto.

Convocation then entered upon consideration of the Report of the Discipline Committee upon the complaint of Mr. R. L. Fraser against Mr. John MacGregor. Mr. E. F. B. Johnston, Q.C., attended on behalf of Mr. MacGregor and Mr. T. D. Delamere on behalf of the complainant. Ordered that the matter do stand until June 4th, 1897, and that a special call of the Bench be made for that date.

Ordered that Mr. W. W. Richardson be called to the Bar.

In the matter of Mr. G. G. Martin, a solicitor of over five years' standing who applies for call under 57 Vict., c. 44, Messrs. Strathy, Bayly, Martin and Clarke were appointed a Special Committee to subject him to an examination under the Act, and said committee having reported that he had passed a satisfactory examination, ordered that he be called to the Bar.

Ordered that Mr. A. F. Godfrey a solicitor of ten years' standing be called to the Bar.

Ordered that the Society do arrange with Mr. Chief Justice Burton to sit for his portrait to be painted and placed in Osgoode Hall, and that Messrs. Osler, Shepley and Aylesworth be a Committee to make the necessary arrangements.

The letter of Mr. Justice Moss stating that his seat as Benchers had become vacant was read. Ordered that a special Call of the Bench be made for June 4th to fill the seat.

Mr. Shepley from the Reporting Committee presented the editor's quarterly report:—"The work of reporting is in a forward state. In the Court of Appeal, Mr. Cassels has all cases reported except those in which judgment was delivered last week, in the High Court of Justice. Mr. Lefroy has two judgments of March, both ready to issue. Mr. Harman has two cases, one of March, ready, and one of April; Mr. Lefroy has twelve, three of March, one of April, and eight of this month; Mr. Boomer has two, both of April; Mr. Brown has seven, five of April and two of this month. There are seventeen practice cases not reported, one of March now ready to issue, seven of April and nine of this month." The report was received.

Mr. Shepley, on behalf of Mr. Osler, Convener of the Joint Committee appointed on 2nd Feb., 1897, to settle the details of a Consolidated Digest presented the following report:—"1. That a proportion of the cost of the proposed Consolidated Digest should be borne by the Law Society, that is to say, the Digest should be issued to members of the Society, considerably below cost, but that it is premature to settle the exact terms, as the amount the Society should bear would depend largely upon the state of their finances at the date of the issue.

2. "That having regard to the time which will elapse before any printing contract will be made, it is impossible to fix the price at which the Digest can be issued or the cost to the Society, but for an edition of 1,500 copies, the cost of the whole work may be roughly estimated at \$27,500, presuming the total pages to be about 5,000.

3. "That the editing and compiling of the Digest be placed in the hands of the Editor, Mr. J. F. Smith, Q.C., upon whom the responsibility of the work is to rest, and that he be offered for his total services including remuneration to his assistants the sum of three dollars per page, the Society furnishing all material required in the shape of stationery, digests, reports, etc., to the Editor." The Editor's letter of May 1st, 1897, upon the subject of the total cost of the work was also read.

Ordered that the Joint Committee be asked for a supplemental report especially bearing upon the period at which Mr. Smith expects he will be able to publish the Consolidated Digest duly completed.

Messrs. A. F. Godfey, G. G. Martin and W. W. Richardson were then called to the Bar.

Convocation then proceeded to take into consideration the following report of the Special Committee, appointed on the 4th December, 1896, to enquire into and report on the probable outlay to the Society and the powers of Convocation in relation to the payment of allowances to non-resident members of Convocation, and to report upon the question of the days and times of meeting of Convocation: "That at a meeting of the Committee the questions submitted were considered. Appended hereto is a memorandum of expenses that would be incurred if all the outside members of Convocation attended every meeting of Convocation and also every meeting of the several committees. The Committee is of opinion that Convocation has jurisdiction to provide for such remuneration, but in view of all the surrounding circumstances and having regard to the financial report presented to Convocation for the last preceding year, and the large expenditure contemplated for Century Digest, and to the custom which has so long prevailed under the constitution: Your Committee is of opinion that no provision should be made at present for the remuneration or reimbursement of expenses to the outside members, and that the resolution in favour of such payment by the Law Society should be rescinded. The Committee also recommend that no change be made at present in the number and times of meeting of Convocation."

Convocation adopted the report with the exception of the last paragraph.

Mr. Edwards moved that the question of the meetings of Convocation, and the arrangement of business thereat be referred to a special committee, consisting of Messrs. Strathy, Clarke, O'Gara, Martin, Shepley, Ritchie, and the mover. Lost.

The whole Report was then adopted. It was then ordered that the resolution of the 15th September, 1896, as follows:—that members of Convocation not resident in Toronto or within five miles thereof be entitled to be paid their expenses of attending meetings of Convocation and of Committees, be rescinded.

Convocation then rose.

WEDNESDAY, May 19.

Present: The Treasurer, and Messrs. Aylesworth, Strathy, Shepley, Teetzel and Robinson.

Mr. Shepley, from the Finance Committee, presented the following report: "That they have had under consideration the letters dated the 31st March and 9th April from the city engineer in which the enquiry is made as to what proportion of the cost of a new sidewalk in front of Osgoode Hall on Queen street the Law Society would be willing to bear, the total cost of a concrete walk being estimated at \$1,400, and that of a brick walk at \$1,200. Your Committee is of opinion that an offer should be made by the Law Society, to pay one-half, not exceeding \$700, of the cost of the sidewalk estimated in the correspondence at \$1,400, the city bearing the other half of the expense, and they recommend that such offer be made on condition that the new walk be extended without expense to the Society, westward to the western limit of the city property (on Queen street)." Ordered for consideration on Saturday, May 22nd.

Convocation then rose.

SATURDAY, May 22.

Present : The Treasurer and Sir Thomas Galt, and Messrs. Martin, Osler, Shepley, Guthrie, Robinson, McCarthy, Aylesworth, Ritchie, Watson and Bayly.

Mr. Martin moved, seconded by Mr. McCarthy, that Mr. Irving be elected Treasurer for the ensuing year. Carried.

Ordered that the chairmen of the several standing committees for the past year, with Mr. Ritchie to act in lieu of Mr. Moss, be a Special Committee to report to Convocation a list of members to form the Standing Committees for the ensuing year.

Mr. Martin from said Special Committee reported the following as members to compose such committees :—

FINANCE.

Messrs. G. H. Watson, A. B. Aylesworth, B. M. Britton, A. Bruce, A. H. Clarke, E. B. Edwards, G. C. Gibbons, John Hoskin, W. Kerr, E. Martin, W. R. Riddell, C. H. Ritchie, G. F. Shepley, H. H. Strathy.

REPORTING.

Messrs. B. B. Osler, B. M. Britton, E. B. Edwards, D. Guthrie, W. D. Hogg, J. Idington, D. McCarthy, Colin McDougall, W. Proudfoot, C. H. Ritchie, J. V. Teetzel.

DISCIPLINE.

Messrs. John Hoskin, R. Bayly, A. Bruce, E. B. Edwards, Donald Guthrie, W. D. Hogg, Colin Macdougall, D. B. Maclellan, C. Robinson, H. H. Strathy, G. H. Watson.

COUNTY LIBRARIES.

Messrs. E. Martin, B. M. Britton, A. Bruce, W. Douglas, G. C. Gibbons, D. Guthrie, J. Idington, W. Kerr, M. O'Gara, B. B. Osler, H. H. Strathy, A. J. Wilkes.

LIBRARY.

A. B. Aylesworth, S. H. Blake, W. Douglas, J. Idington, D. McCarthy, W. Proudfoot, W. R. Riddell, C. H. Ritchie, C. Robinson, G. F. Shepley, H. H. Strathy, G. H. Watson.

LEGAL EDUCATION.

Messrs. G. F. Shepley, R. Bayly, A. H. Clarke, John Hoskin, E. Martin, B. B. Osler, W. Proudfoot, W. R. Riddell, C. H. Ritchie, C. Robinson, H. H. Strathy, J. V. Teetzel.

JOURNALS AND PRINTING.

Messrs. A. Bruce, A. B. Aylesworth, R. Bayly, John Bell, A. H. Clarke, G. C. Gibbons, W. Kerr, Colin Macdougall, D. B. Maclellan, M. O'Gara, J. V. Teetzel.

NOTE.—Mr. Barwick was on June 4th appointed to fill vacancies on the Reporting, Discipline and Journals Committees.

The report of the Finance Committee presented on the 19th May, as to contribution to the cost of a new sidewalk on Queen Street, was now adopted, with a direction to the Committee to, as far as possible, superintend the plans and specifications and completion of the work.

The petition of Mr. George H. Galbraith, a solicitor of over five years' standing, praying for call to the Bar was referred to a Special Committee composed of Messrs Ritchie and Bayly, and they having reported that he had passed a satisfactory examination, it was ordered that he be called to the Bar, and he was introduced and called accordingly.

Convocation then rose.

FRIDAY, June 4th, 1897.

Present : The Treasurer and Messrs. Martin, Shepley, Macdougall, Hogg, Teetzel, Bruce, Maclellan, S. H. Blake, Edwards, Bayly, Riddell, Guthrie, Ritchie, Osler, Wilkes and Aylesworth.

Mr. Shepley, from the Legal Education Committee, reported on the result of the Third Year Examination, Easter, 1897.

Ordered that the following gentlemen be called to the Bar and do receive their certificates of fitness as solicitors :—Messrs. C. S. MacInnes, A. D. Meldrum, W. B. Milliken, M. S. McCarthy, J. H. Clary, A. Haydon, W. J. Moore, W. A. Gilmour, W. M. Boulton, H. E. B. Robertson, F. B. Goodwillie, G. E. Dunbar, J. A. Scellen, J. M. Hall, W. R. Wadsworth, J. W. Bain, J. S. McNeely, C. A. Moss, W. M. Lash, H. K. Beattie, J. C. Brokovski, G. I. Gogo, W. M. Crom, W. B. Laidlaw, W. M. H. Nelles, J. E. Little. Ordered, also, that Mr. C. S. MacInnes and Mr. A. D. Meldrum be called with honours and that Mr. MacInnes do receive a bronze medal. Ordered, also, that the cases of other gentlemen who have been reported as having passed be reserved for further report.

Mr. Shepley from the same Committee also reported in the case of Mr. A. E. Knox who passed the Third Examination in Easter, 1896, but was not entitled to take same until 1897, recommending that the examination be allowed, and further that he be called to the Bar and receive his certificate of fitness. Ordered accordingly. Mr. Shepley further reported on the cases of Mr. E. H. Cleaver and Mr. T. R. Atkinson which were referred back to the Committee for further inquiry. Mr. Shepley also reported on the case of Mr. E. C. Clark who asked that his date of admission be reckoned as of Easter, 1894, that the Committee are unable to recommend allowance of the petition. Report adopted.

Mr. Shepley further reported that Mr. W. F. Gurd, who had passed the Third Year Examination in Easter, 1894, that his papers for Call are complete, and recommending that he be called to the Bar. Ordered accordingly.

The following gentlemen were then called to the Bar : Messrs. C. S. MacInnes (bronze medal) and A. D. Meldrum, both with honours ; W. B. Milliken, M. S. McCarthy, J. H. Clary, A. Haydon, W. J. Moore, W. A. Gilmour, W. M. Boulton, H. E. B. Robertson, G. E. Dunbar, J. A. Scellen, J. M. Hall, J. W. Bain, W. R. Wadsworth, J. S. L. McNeely, C. A. Moss, W. M. Lash, H. K. Beattie, J. C. Brokovski, G. I. Gogo, W. M. Cram, W. M. H. Nelles, J. E. Little, A. E. Knox, W. F. Gurd.

It was referred to the Finance Committee to arrange for the use of the Law Society's property for the purpose of the meeting of the Canadian Bar Association.

Mr. Walter Barwick was elected a Benchman in the place of Mr. Moss, recently appointed a Justice of the Court of Appeal, and was appointed a member of the Committees on Reporting, Discipline and Journals.

Mr. Shepley reported in respect to the First Year Examinations, Easter, 1897. Ordered that the following students be allowed their First Year Examinations :—Messrs. W. T. White, J. G. O'Donoghue, J. A. Rowland, J. A. Wilson, E. C. Sanders, A. R. Clute, R. I. Towers, John Jennings, W. E. Burns, J. G. Merrick, R. F. McWilliams, O. S. Black, N. Sinclair, F. B. Proctor, M. R. Gooderham, G. B. Henwood, H. C. Osborne (with honours) ; also Messrs. W. Ridout Wadsworth, A. F. Healy, J. G. Stanbury, W. C. Brown, A. C. Kingstone, J. W. Lawrason, Anson Spotton, C. Garrow, N. H. Peterson, H. R. Smith, M. McEwen, H. L. Boldrick, J. W. Mahon, J. D. Falconbridge, Miss Eva M. Powley, V. P. McNamara, T. A. White, J. C. Brown, J. H. Campbell, John Mildren, G. A. Ferguson, G. F. Mahon, F. K. Johnston, R. C. McNab, T. F. Slatery, J. L. Taugher, J. A. McPhail, E. G. Morris, C. W. Bell, C. T. Goodison, A. W. Holmsted, J. W. Crozier, W. C. Armstrong, T. H. Crerar, A. R. Colville, G. H. Gauthier, J. A. Milne, C. S. Cameron,

J. A. Clarke, W. E. N. Sinclair, F. J. McIntosh, J. H. Addison, A. Beatty, J. C. Milligan. Ordered that Messrs. L. H. Bowerman and J. W. McNiely be noted as having passed. (These are special.)

Ordered that the following be allowed their first year examination with honours:—W. T. White, J. G. O'Donoghue, J. A. Rowland, J. A. Wilson, E. C. Sanders, A. R. Clute, R. T. Towers, John Jennings, W. E. Burns, J. G. Merrick, R. F. McWilliams, O. S. Black, N. Sinclair (aeq.), F. B. Proctor, M. R. Gooderham, G. B. Henwood, H. C. Osborne; and that Mr. White do receive a Scholarship of \$100, Mr. O'Donoghue one of \$60, and Messrs. Rowland, Wilson, Sanders, Clute and Towers, each one of \$40.

Mr. Shepley reported upon the admission of students as of Easter, 1897. Ordered that the following be admitted:—M. G. V. Gould (Graduate Class) and C. K. Graham, C. F. Newall and W. Watkins (Matriculant Class).

Mr. Shepley further reported on the application of Mr. N. G. Guthrie for admission as a student-at-law of the matriculant class. Although not a matriculant of any university in this province, he has on his standing at McGill University been admitted *ad eundem statum* in the Second Year, Arts Course, at the University of Toronto, and the Committee recommend the allowance of the petition. Ordered accordingly.

The report of the Principal was then read. This report has been distributed to the profession with the reports.

The report of the Legal Education Committee upon the suggestions in the Principal's report was also presented, as follows:—1. "With regard to the complaint contained in paragraph 6 respecting the ventilation of the lecture rooms, the Committee recommend that Convocation do refer the matter to the Finance Committee for enquiry and report. 2. With regard to the question of extending the library accommodation for students mentioned in paragraph 7, your committee recommend that Convocation do refer this matter to the Finance Committee for enquiry and report. 3. With regard to the question of increased accommodation for the purpose of holding examinations mentioned in paragraph 5, your Committee recommend that Convocation do refer this matter to the Finance Committee for enquiry and report. 4. With regard to the recommendation contained in the 9th paragraph respecting a division of the examinations of the second and third year classes, and that contained in the 8th paragraph as to substitution of other work for some of the Moot Courts, your Committee have requested the Principal to report to them for consideration, outline schemes for holding examinations half-yearly and for substitution of other work in place of the Moot Courts. 5. Your Committee beg further to recommend that the Principal be deputed to visit the meeting of the Legal Education Section of the American Bar Association to be held at Cleveland next August." The report was adopted.

Mr. Shepley laid on the table the Schedule of order of Examinations, Easter, 1897, the instructions for candidates and papers of Examination questions according to the rule.

Moved by Mr. Ritchie, seconded by Riddell and ordered that a grant of \$400 be made to the Osgoode Amateur Athletic Association to assist in procuring such outfit as may be essential for the purpose of the organization and in defraying necessary expenses.

Convocation then pursuant to order of 18th May, 1897, resumed consideration of the report of the Discipline Committee on the complaint of Mr. R. L. Fraser against Mr. John McGregor. Ordered that the matter do stand until the 29th June and that a Special Call of the Bench be made for that day.

Mr. Shepley, from the Legal Education Committee, reported upon the question of making an arrangement for the admission of students who are examined for their degrees at Trinity College in June but do not receive their degrees until Autumn, that the Committee think the matter may be better accommodated by the holding of a Special Convocation of the University previous to the Society's half-yearly meeting on the last Tuesday in June. Adopted.

Mr. Shepley reported in relation to the admission of English solicitors to practice in the Courts in Ontario as follows :

"Your Committee begs leave to report upon the subject of advising legislation respecting the admission of English solicitors to practice in the province of Ontario as follows :—1. Your Committee has carefully considered the correspondence between the Secretary of State for the Colonies and the High Commissioner for Canada, the correspondence between the Department of Justice at Ottawa, and the Attorney-General's Department at Toronto ; the correspondence between the latter and the Society ; the draft Bill proposed to be submitted to the British Parliament upon the subject, and the various other letters and papers placed before your Committee, as well as the existing English legislation on the subject.

"2. In the opinion of your Committee it is not expedient to admit English solicitors to practice in this province, without requiring service and examination as at present. Your Committee is of opinion that at least one year's service, followed by examination as at present required, is necessary to the proper equipment of the English solicitor for practice in Ontario, having regard to the differences between the law of the province and the law of England.

"3. Your Committee points that the proposed Bill, even if it should be passed, places reciprocity entirely in the discretion of the British Government. Under the present English Statutes, as well as the proposed new Act, the application of the English legislation to any colony is entirely discretionary. The passage of any reciprocal measure by a Colonial legislature would open the door to the admission in the legislating colony of English solicitors, while the proposed English legislation would still leave the bringing into force of the English Act entirely discretionary as stated above. There is no obligation upon the British Government to pass the Order-in-Council at all, and should an order be passed, power is reserved to impose restrictions and conditions which might practically be prohibitive. There is also the power reserved to revoke any such Order-in-Council.

"4. For the foregoing reasons your Committee is of opinion that, pending the passage of the proposed Act, it is premature to discuss legislation here, and further, that in the absence of some assurance that the provisions of the English Act would be applied to this province upon a fair and equitable basis, the legislature of the province should not be approached with the view of relaxing the terms upon which English solicitors are now entitled to admission here."

The report was adopted and it was ordered that the same be transmitted to the Hon. the Attorney-General of Ontario, it being in response to his letter to the Treasurer on the subject.

Mr. Shepley was appointed the representative of the Law Society on the Senate of the University of Toronto.

Mr. Osler reported with respect to the publication of the proposed Consolidated Digest. The report and the letter of the Editor in connection therewith were ordered for consideration on June 29th.

Mr. Aylesworth, from the Library Committee, reported a regulation for closing the Library at 1 p.m. instead of 2 p.m. during the Long Vacation. Approved.

The letters of Mr. F. McMurray and Mr. J. H. Coburn complaining that Mr. T. H. Gilmour, who is not a barrister or solicitor of this Province, is advertising for law business in Rat Portage, were referred to the Discipline Committee.

Ordered that a Special Call of the Bench be made for Saturday, June 12th inst., at 10.30 a.m., to assemble on the occasion of the presentation of an address to the Hon. John Hawkins Hagarty.

June 12
settled

Law Society of Upper Canada,

OSGOODE HALL.

REPORT OF THE PRINCIPAL OF THE LAW SCHOOL, SESSION OF 1896-1897.

GEORGE F. SHEPLEY, Esq., Q. C.,

Chairman Legal Education Committee.

DEAR SIR,

I beg to report as follows in regard to the term of the Law School for 1896-1897.

1. The number of Students registered during the term was :

First Year	30	Average Attendance	28
Second Year.....	86	“ “	77
Third Year.....	79	“ “	69
Total.. ...	195	Total.....	174

In addition to the above, two Students entered, one in the first and one in the second year, who withdrew during the term.

2. The conduct and attention of the Students was satisfactory.

3. The number of lectures delivered was as follows :

The Principal.....	232
Mr. Armour, Q.C.....	108
Mr. Marsh, Q.C.....	109
Mr. King, Q.C.....	102
Mr. McGregor Young, LL.B.....	109
Total.....	660

4. Among the Students entered in the first year, was a Newfoundlander. Taking advantage of one of the regulations of the Newfoundland Law Society by which atten-

dance for two terms at a recognized Law School is accepted as equivalent to service for that period under articles of clerkship in that Island.

5. Our system of examination was further improved this year by the adoption of pseudonyms.

The experience of this year has convinced me that the present seating accommodation is quite inadequate to insure complete isolation of those being examined. Some change ought to be arranged before next year's examinations are held.

6. The ventilation of the lecture rooms has, as usual, been a constant source of complaint, and has much interfered with the comfort of lecturers and students.

7. The report of the librarian shows that much use has been made of the library. The accommodation for reading is now insufficient, and some steps should be taken to increase it, if at all possible.

8. I am still strongly of the opinion, as mentioned in my last report, that special lectures on subjects outside of the regular course, might in the third year be substituted with advantage for some of the Moot Courts.

desire to obtain the sanction of the committee to make this change.

9. I beg to recommend for the consideration of the Committee the desirability of dividing the examinations in the second and third year into two portions, the one to be held before the Christmas vacation, the other at the close of the term as usual; the Christmas Examination to be upon subjects in each year in which the lectures are then completed—the general standing of the Students to be determined upon the results of both examinations, but the subjects of examination at Christmas not to be again taken up in the final examination.

10. The advantages of such a change seem to me to be two-fold.

3

(a) It will steady the students during the first half of the term, and will require from all more careful attention to lectures and study of text books.

(b) It will relieve the very heavy pressure upon the Students during the second half of the term, and will discourage "cramming" by distributing the work over the whole term.

11. The work in the second and third years is very heavy, and, when it has to be all gone over at the end of the term, inflicts a great strain upon the Students both physically and mentally. I believe the change would result in greater thoroughness and efficiency.

12. I find that such a system is now in vogue in the Law Faculty of McGill University, and I believe it to be in harmony with modern ideas as to continuous examinations.

13. I submit herewith my reports of the attendance of the Students during the past term.

Dated 29th May, 1897.

Yours truly,

N. W. HOYLES,

Principal.

—:—

LAW SOCIETY OF UPPER CANADA.

HALF YEARLY MEETING.

29th June, 1897.

Present : Messrs. Watson, Ritchie, Teetzel, Douglas, Bruce, Strathy, Riddell, Bayly, Wilkes, Idington, Martin, S. H. Blake, and Barwick.

In the absence of the Treasurer, Mr. Martin was appointed chairman.

Mr. Ritchie on behalf of the Legal Education Committee reported on the results of the Third Year examination, Easter, 1897. Ordered that the following gentlemen be called to the Bar: F. R. Morris, D. A. J. McDougal, W. H. Barnum, A. H. Beaton, V. J. Hughes, J. E. Kerrigan, H. A. Little, W. A. Hodgson, H. C. Becher, L. J. Kehoe, J. U. Vincent. Also that the above named, with the exception of Messrs. Kehoe and Vincent, do receive their certificates of fitness forthwith, and that Messrs. Kehoe and Vincent do receive same upon furnishing proofs of the completion of their terms of service under articles which expire on the 30th June, after Convocation rises. Ordered that Mr. W. A. Fraser, who passed the third year examination in Easter, 1893, be called to the Bar. Ordered that Mr. T. J. W. O'Connor, who has passed the Third Year examination, but is unable, owing to the death of Mr. N. G. Bigelow, to whom he was articulated, to produce a certificate of service under articles, be called to the Bar and receive his certificate of fitness.

Mr. Ritchie further reported upon the case of Mr. E. H. Cleaver, who was successful at the third year examination, Easter, 1897, whose case was at the last meeting of Convocation referred back to the Committee to make further enquiries respecting the nature of the service under articles alleged to have been performed by him. Ordered that upon Mr. Cleaver serving a further period of service of four months, his examination be allowed, and he be called and receive certificate of fitness.

Mr. Ritchie further reported in the case of Mr. T. R. Atkinson, whose case was at last meeting referred to the committee with a direction to make further enquiries, and obtain specific information with respect to the engagement by Mr. Atkinson in business other than that of student-at-law and articulated clerk. The committee called upon him for explanations, and ascertained that his connection with other business was not such as to prevent him from devoting himself to the study of law and performance of the duties of a student-at-law and articulated clerk, during his period of service under articles. Ordered that he be called to the Bar and receive his certificate of fitness.

Convocation then in pursuance of the order of the 4th June resumed consideration of the report of the Discipline Committee on the complaint of Mr. R. L. Fraser against Mr. John McGregor. Mr. G. Ross appeared for Mr. McGregor, and Mr. T. D. Delamere, Q.C., for Mr. Fraser. On application of Mr. Ross, Mr. Delamere consenting, ordered that the matter do stand until 14th Sept., 1897, at 12 o'clock noon, also that a special call of the Bench be made for that day and hour to deal with the matter.

Mr. Ritchie from the Legal Education Committee reported upon the result of the Second Year examination.

Ordered that the following candidates who have duly passed the School Examination and are certified by the Principal to have attended the required number of lectures, be allowed their second year examination:—R. L. McKinnon, L. F. Stephens, J. H. Hunter, jr., J. C. Elliot, W. F. Bald, A. R. Hassard, F. E. Perrin, H. Hartman, H. A. Clark, H. J. Sissons, J. A. MacInness, O. E. Culbert, H. Arrell, J. R. Graham, W. McCue, F. L. Smiley, R. G. R. Mackenzie, J. A. Thompson, A. G. Slaght, A. J. Kappelle, W. A. Chisholm, D. R. Dobie, T. A. Hunt, W. D. Henry, A. C. W. Hardy, J. L. Patterson, S. A. Hutchison, Geo. McCrea, W. M. Charlton, J. C. Hamilton, J. H. Campbell, G. H. Davy, W. S. Davidson, E. J. Daly, E. G. Osler, G. H.

Levy, W. Thornburn, J. C. McIntosh, J. McD. Mowat, W. L. McLaws, R. R. Griffin, H. G. Kingstone, A. F. Kerby, T. J. Rigney, F. M. Lockhart Gordon, J. C. Makins, E. H. Mackenzie, I. R. Carling, C. A. Macdougall, J. D. McMurrich, Alfred Hall, D. P. Kennedy, J. D. Ferguson, A. McEvoy, T. H. Hilliar, F. L. Pearson, E. T. Bucke, M. J. Kenny, J. B. T. Caron.

Ordered also that the following candidates who passed, but failed to attend the required number of lectures, but whose failure to attend was due to illness or other good cause, be allowed their Second Year examination: J. Montgomery, S. S. Sharp, G. F. Macdonnell, G. G. Moncrieff, H. A. Burbridge, C. E. Hollinrake, A. B. Drake, T. J. Murray, S. H. B. Robinson, N. Hayes, F. M. Devine, A. A. Bond, H. L. Harding, D. M. Stewart, D. S. Storey, E. Gillis, D. Mills, jr., F. H. Hurley, L. W. Brown, D. S. Bowlby.

Ordered also that Mr. C. H. Pettitt, who passed the examination, but did not attend any of the lectures of the last school term (although he should have done so), under the special circumstances of his case, and in view of the fact that he has already attended one session of the school, and has succeeded in passing the examination recently held, be allowed the same.

Ordered also that the following be allowed their Second Year Examination with honors: J. Montgomery, S. S. Sharp, R. L. McKinnon, L. F. Stephens, J. Howard Hunter, jr., A. R. Hassard, F. E. Perrin, and H. Hartman; and that Mr. Montgomery do receive a scholarship of \$100, Mr. Sharp a scholarship of \$60, and Messrs. McKinnon, Stephens, Hunter, Hassard and Perrin each a scholarship of \$40. Ordered also in accordance with the report that the cases of Messrs. C. W. Cross, A. R. Hamilton and A. M. Chisholm be reserved.

Ordered that Mr. G. C. Sellery, who was admitted as a matriculant in Trinity, 1892, and who has now obtained the degree of B.A. at the University of Toronto, be transferred to the Graduate Class on the books of the Secretary. Ordered that Mr. N. G. Larmonth, who has not passed any examination as a matriculant of a university in this Province, but upon his standing as a matriculant of McGill University has been admitted ad eundem statum in the Arts course at Queen's University, be entered as a student of the matriculant class. Ordered that Mr. J. F. C. Fitzgerald and N. G. Guthrie, whose notices have remained duly posted, be entered as of this term.

The following gentlemen were then called to the Bar:—F. R. Morris, D. A. J. McDougal, W. H. Barnum, A. H. Beaton, V. J. Hughes, J. E. Kerrigan, H. A. Little, W. A. Hodgson, H. C. Becher, L. J. Kehoe, J. U. Vincent, W. A. Fraser, F. B. Goodwillie, W. B. Laidlaw, T. R. Atkinson and T. J. W. O'Connor.

Mr. W. H. Cross was appointed Auditor of the Law Society for the year commencing Easter, 1897.

Sept. 14th, 1897.

Present: The Treasurer and Messrs. Wilkes, Strathy, Watson, Teetzel, Bruce, McCarthy, Bayly, Britton, Edwards, Shepley, Hoskin, and Ritchie.

Ordered that Mr. W. M. Sinclair, a solicitor of ten years' standing, be called to the Bar.

It having been reported to Convocation that A. B., a student, is now assuming to practise in the town of Durham, ordered that the secretary do ascertain the facts.

Mr. Shepley, from the Legal Education Committee, reported on the results of the Third Year examination, Easter, 1897. Ordered that the following gentlemen be called to the Bar: Messrs. A. M. Stewart (with honors and gold medal) S. B. Woods, T. P. Rowland, U. McFadden, W. H. Moore, E. C. Cattanaach, J. F. Gross, T. P. Morton, E. C. Wragge, E. F. Appelbe, F. B. Osler, A. M. Lewis, T. L. Church, R. E. Gagen, J. F. Hollis, H. G. W. Wilson, A. A. Carpenter. These gentlemen, excepting Mr. Cattanaach, were then called to the Bar. Ordered that the same gentlemen, excepting Mr. Lewis,

receive their certificates of fitness, and that Mr. Lewis, whose time will expire on the 26th September, receive his certificate upon producing proof of completion of his service. Ordered also that Mr. M. H. Irish receive his certificate of fitness on proof of completion of his service on the 25th September.

Mr. Shepley reported upon the case of Mr. J. R. L. O'Connor, recommending that he be required to re-article himself, and serve until Michaelmas, 1897. Ordered accordingly.

Mr. Shepley reported upon the applications for admission of Mr. P. W. O'Flynn and Mr. G. W. Goodwin. Ordered that Mr. O'Flynn be admitted as of Easter Term, 1897, and that Mr. Goodwin be admitted as of Trinity Term, 1897 (both of the graduate class). Mr. Shepley further reported upon the case of Mr. D. Mills, jr., that the Committee cannot recommend the granting of the petition which asked that he might be permitted to attend the Law School in the session of 1897-98 and take the third year examination. Ordered accordingly.

In the case of Mr. N. Y. Poucher, asking that he might be exempted from further attendance upon lectures, that the Committee cannot recommend the granting of the petition. Ordered accordingly.

Mr. Shepley reported upon the proposals of the Principal of the Law School with respect to division of examinations and the substitution of other work for some of the moot courts. Ordered in accordance with the report of the Committee. (1) That after the Christmas Vacation special lectures on the following subjects be substituted for some of the moot courts. 1. Legal Ethics. 2. Medical Jurisprudence. 3. Municipal Law. 4. Company (winding up) Law. (2) That at a suitable date before the Christmas Vacation examinations be held on the following subjects:—In the second year, Evidence, Personal Property and Torts. In the third year, Evidence, Real Property, Equity, and that the remainder of the subjects be written on at Easter as heretofore. (3) That one-half, namely \$80, of the fees for final examinations be paid before a student attempts the Christmas examinations.

In the matter of the complaint of John O. Connors against Mr. T. C. Robinette, which had been ordered for consideration to-day, it was ordered that the further consideration of his case be deferred until Tuesday the 16th November, 1897, at 12 o'clock noon, and that an urgent call of the Bench be made for that time for the consideration of the said matter. Mr. Robinette undertook to appear then without further notice.

In the matter of the complaint of Mr. R. L. Fraser against Mr. John MacGregor, which had on 29th June been adjourned for further consideration this day, it was ordered that Mr. MacGregor be reprimanded before Convocation by the Treasurer, and he was then called in and reprimanded by the Treasurer accordingly.

Wednesday, 15th Sept. 1897.

Present: The Treasurer and Messrs. Bell, McCarthy, Hoskin, Douglas, Guthrie, Martin, Ritchie, Aylesworth and Riddell.

Mr. Ritchie from the Legal Education Committee reported upon the Third Year Examination, Easter, 1897.

Ordered that the following gentlemen be called to the Bar, and receive their certificates of fitness: A. B. Thompson and G. C. Heward, and that Mr. Thompson be called to the Bar with honors and receive a silver medal.

The following gentlemen were then called to the Bar: A. B. Thompson (with honors and silver medal), C. C. Heward, also Mr. W. M. Sinclair, a solicitor of ten years' standing, and Mr. E. C. Cattnach, who was ordered for call yesterday.

The letter of Mr. H. W. Eddis was read. Convocation directed the Secretary to reply that the offices in the gift of the Law Society were held during the pleasure of Convocation.

The letter of Dr. Philp, complaining of the conduct of Mr. C. D., a solicitor, was read and transmitted to the Discipline Committee to ascertain

whether a *prima facie* case had been made out. The letter of Mr. A. Bodard complaining of the conduct of Mr. E. F., a solicitor, was read, and the Secretary was directed to obtain information relevant thereto.

Friday, Sept. 24th, 1897.

Present : The Treasurer and Sir Thomas Galt, Messrs. Blake (E.), Bayly, Bruce, Hoskin, Riddell, Aylesworth, Martin and Shepley.

Dr. Hoskin, from the Discipline Committee, reported upon the complaint of Dr. Philp against Mr. C. D., that in their opinion, Dr. Philp should be informed that his primary remedy is by proceeding in a Court of Law.

Mr. Riddell from the Legal Education Committee reported in respect to the Third Year examination, Easter, 1897. Ordered that Messrs. M. H. Irish, E. C. Clark and F. W. Griffiths be called to the Bar, and that Messrs. E. C. Clark and F. W. Griffiths do receive their certificates of fitness. In respect to the First Year Supplemental examination, ordered that the following gentlemen be allowed same : O. de Laplante, T. E. McKee, E. C. Jones, J. S. Lundy, J. R. Osborne. In respect to the Second Year Supplemental examination, that Mr. N. Williams be allowed same. In respect to the Admission of Students-at Law, that the following be admitted of the Graduate Class : M. B. Tudhope, A. M. Fulton, T. I. McNeece, W. B. Scott, J. E. Wallbridge, and R. C. H. Cassels, and the following of the Matriculant Class : W. A. McMaster, F. A. Clement, J. F. L. Embury, D. G. White, C. A. R. Dulmage.

Mr. Riddell further reported, in the case of Mr. F. L. Davidson and Mr. N. Y. Poucher, the committee cannot recommend the allowance of their petitions. Ordered that Mr. G. W. Robb, a solicitor of ten years' standing, be called to the Bar.

The following gentlemen were then called to the Bar : Messrs. G. W. Robb, F. W. Griffiths, E. C. Clark, M. H. Irish. Mr. Riddell then read a memorandum from Mr. Osler, who was unavoidably absent, on the subject of the Consolidated Digest.

The minutes of Convocation on the subject were then read, and after discussion Mr. Aylesworth gave notice that he would move on Tuesday, 16th Nov., next : That in view of the expense and delay necessarily involved in the preparation of a Consolidated Digest for the century, the scheme be abandoned. Ordered that the consideration of all questions relating to the proposed digest be postponed until Tuesday, 16th Nov., and that a special call of the Bench for that day be made for the purpose aforesaid.

Dr. Hoskin, from the Discipline Committee, reported in relation to the complaint of A. Bodard against Mr. E. F., solicitor, recommending that Mr. Bodard be informed that his remedy, if any, is by application to the Courts.

Ordered that Mr. J. G. O'Donoghue be informed that the position which he holds is incompatible with the requirements of the Society as to service under articles.

Mr. Shepley, from the Legal Education Committee, reported as to special applications for admission.

Mr. Shepley reported as to the investigation into the charges of misconduct at the Second Year examination, Easter, 1897, on the part of Messrs. C. W. Cross, A. R. Hamilton and A. M. Chisholm :—There was not any suggestion in the whole of the evidence of any impropriety on the part of Mr. Chisholm. With regard to Mr. Hamilton and Mr. Cross, the Committee was of opinion that the scrutineer, Mr. Bedford-Jones, was entirely justified in reporting the circumstances which had come under his observation, but upon a consideration of the whole evidence the Committee was of opinion that the charges had not been sustained. The Committee therefore recommend these gentlemen be allowed their examination. Adopted.

The letter of the Principal of the Law School containing suggestions respecting the Honour Course and as to the attendance of First Year students was read and the whole subject was referred to the Legal Education Committee for consideration and report.

Law Society of Upper Canada.

1897.

REPORT
OF THE
INSPECTOR OF COUNTY LIBRARIES.

Law Society of Upper Canada.

REPORT OF W. GEO. EAKINS, ESQ., M.A., INSPECTOR OF THE
COUNTY LIBRARIES, FOR THE YEAR 1896.

*To the Treasurer and Benchers of the Law Society of
Upper Canada in Convocation :*

In accordance with the Rules I beg to present a report of the results of my inspection of the County Law Libraries during the past summer. I visited all the Libraries—23 in number—as follows :—

Brant.	Hastings.	Perth.
Bruce.	Huron.	Peterborough.
Carleton.	Leeds and Grenville.	Simcoe.
Elgin.	Lindsay.	Waterloo.
Essex.	Middlesex.	Welland.
Frontenac.	Norfolk.	Wellington.
Grey.	Ontario.	York.
Hamilton.	Oxford.	

This list comprises all the County Libraries established up to the present time. Huron and Waterloo I inspected this year for the first time.

I am glad to be able to report that several Associations have made marked progress during the year, while only one has retrograded. Those with which I found fault in my last report have nearly all made special efforts to remove the defects which I had pointed out, and in one instance in particular the improvement is very great. I think I can safely say, therefore, that the condition of the Libraries as a whole is even more satisfactory than it was a year ago.

Two Associations have as yet accomplished nothing in the way of reform, while a third has shewn little life

of late and is no longer in good standing with the Society. In this connection I might call attention to the fact that some Associations seem to have been unaware that failure to make returns to the Society at the proper time entails the loss of the delinquent's share of the Government grant.

In almost all cases outside the cities, I find that the progressive associations are those which have some one energetic and capable officer—generally, though not always the Secretary—who takes a constant and active interest in the organization and its management, and looks sharply after the collection of the membership fees.

Another library—that at St. Thomas—has this year been added to the number of those in which a permanent librarian is employed, making five in all.

Several Associations still neglect to send to the Society the copy of their annual report required by the Rules, and in some cases, no such report seems to have been submitted to the annual meeting.

Some of the Associations, I find, have no mark of ownership on their books. While in such cases it would be too much to require that all the books on the shelves should now be so marked, every Association should, I think, be required to have all books hereafter purchased, either lettered, stamped or labelled with the name of the Association.

I append a brief report upon each of the Libraries visited by me this year.

(Sgd.), W. GEO. EAKINS.

OSGOODE HALL,
16th Nov., 1897.

LAW SOCIETY OF UPPER CANADA.

MICHAELMAS TERM, 1897.

Tuesday, Nov, 16th.

Present, between 10 and 11 a.m.: The Treasurer, Messrs Barwick, Bayly, Edwards, Shepley and Strathy, and in addition, after eleven, the Attorney-General and Messrs. Bruce, Douglas, Gibbons, Guthrie, Hogg, Hoskin, Idington, Martin, O'Gara, Osler, Robinson and Wilkes.

Ordered that the following gentlemen be called to the Bar: W. H. Burns (with honors), H. N. German, C. Kappele, J. C. T. Thompson, W. A. Hollinrake, J. E. Ferguson, J. R. Brown, S. B. Harris. Ordered that the gentlemen last mentioned, with the exception of Mr. S. B. Harris, whose time had not expired, receive their certificates of fitness.

Ordered that Mr. E. H. Cleaver, who had completed the additional period of service ordered by Convocation, be called to the Bar and receive his certificate of fitness.

The complaint of Mr. R. Bowker against Mr. ——— was read, and the Secretary was ordered to inform the complainant that his complaint did not present a case in which Convocation ought to interfere.

A report was presented from the Discipline Committee setting forth that the complainants against Mr. G. had not appeared on the day appointed for the investigation, and had intimated that the complaint would be abandoned.

Mr. Barwick, in the absence of Mr. Aylesworth, moved pursuant to notice, that in view of the expense and delay necessarily involved in the preparation of a consolidated digest for the century, the scheme be abandoned.—Lost. Yeas 4. Nays 10.

Ordered that the Reporting Committee be placed in charge of the publication of the Century Digest, and that they be asked to report upon the cost of editing and compilation at the meeting of Convocation on the 3rd of December next, and that the Joint Committee of the Reporting and Finance Committees shall be continued as to any printing contract, and as to the price at which the Digest is to be issued.

Convocation then entered upon consideration of the Report of the Discipline Committee, upon the complaint of John O'Connors against Mr. T. C. Robinette. Mr. Robinette was in attendance. Ordered that the Report be adopted, and that Convocation deal with the question of discipline on the first day of the sitting in Hilary Term, 1898. Mr. Robinette was informed of the decision.

Ordered that Mr. F. C. S. Knowles be allowed his third year examination, passed prematurely, and that he be called to the Bar to receive his certificate of fitness, and that Mr. J. R. L. O'Connor, who had completed the additional period of service ordered by Convocation, be also called to the Bar and receive his certificate of fitness.

The following gentlemen were then called to the Bar: Messrs. W. H. Burns, C. Kappele, J. T. C. Thompson, W. A. Hollinrake, J. E. Ferguson, J. R. Brown, S. B. Harris, E. H. Cleaver and, F. C. S. Knowles.

Ordered upon a report from the Legal Education Committee that Mr. G. F. Kelleher attend forty lectures of the third year, in addition to those already attended by him, and that upon the principal being satisfied with his attendance and conduct, he be called to the Bar and receive his certificate of fitness.

Mr. Shepley laid on the table the schedule of the Christmas Examinations of the second and third year.

Ordered upon a report of the Legal Education Committee, that the following gentlemen, whose notices have remained posted since last Term. be

admitted as of Trinity Term : Messrs. T. Gibson, H. V. Hamilton and W. A. McKinnon, of the Graduate Class, and Messrs. A. H. Armstrong, C. H. Dunbar, W. Elmo Marshall and F. L. Sutherland, of the Matriculant Class.

Ordered that the following gentlemen be admitted as students-at-law : Graduate Class—Messrs. J. L. Counsell, J. H. Couch and A. E. McNab. Matriculant Class—Messrs. A. G. Austin, F. L. Button, A. E. Bowles, C. R. Deacon, J. M. Kerns, A. E. Millican, Alec. McDonald, W. A. Nisbett, W. E. Payne and T. A. Watterston.

Ordered upon a report of the Legal Education Committee, that the following gentlemen whose applications for admission are irregular, viz.: Messrs. W. G. R. Bartram, W. E. Dunn, W. A. Duff, H. K. Gray, A. M. McLean, G. H. Smythe (Grad.), W. E. Seaborn and G. E. Taylor (Matr.), under the special circumstances be admitted as of Trinity Term, and that the general question of irregular admissions be considered on Friday the 3rd inst.

A report was presented from the Legal Education Committee recommending that certain persons, not members of the Society, be permitted to attend the lectures of the Law School subject to proper arrangements with regard to fees, and pointing out that no objection existed to the opening of the School to the extent proposed, as this course would tend greatly to popularize the School, and extend its usefulness and make it a centre of legal education. The report was received and referred to the Legal Education Committee, to formulate a scheme.

A report was presented from the Legal Education Committee upon the proposals of the Principal as to honors at the Law School and compulsory attendance on lectures. The consideration of the report was deferred until the first Sittings in Hilary Term, and it was ordered that special notice of such consideration be given.

On the report of the Legal Education Committee it was ordered as follows : That Mr. J. C. L. White be permitted under the special circumstances of his case, to present himself for examination at the coming Christmas examination in the subjects of Practice, Equity and Evidence, and in the meantime to proceed with the work of the third year. That Mr. C. A. S. Body serve until the day before the last day of Michaelmas Term, and that he be then called to the Bar and receive his certificate of fitness. That Mr. R. H. M. Temple be transferred to the Graduate Class, as of Michaelmas Term, 1897. That the petition of Mr. W. B. S. Craig be not granted. That Mr. J. Campbell Elliott be allowed the second year examination with honors.

The complaint of the Huron Law Association against Mr. R. L. Taylor was referred to the Finance Committee with power to act.

Ordered upon the report of the Committee on Journals and Printing that the annual sum of \$100 be paid to the publishers of the CANADA LAW JOURNAL for publishing the resume of proceedings and furnishing extra copies, and that in the event of the resume exceeding 25 pages in any year the excess be paid for at the rate of \$3 a page.

Wednesday, 17th Nov., 1897.

There being no quorum at the hour of 10.30, the senior barrister present adjourned the meeting until Friday, December 3rd.

Friday, 3rd Dec., 1897.

Present: The Treasurer, Messrs. Aylesworth, Bayly, Blake (E.), Britton, Bruce, Clarke, Martin, Ritchie, Robinson, Shepley, Wilkes.

Ordered that Mr. S. B. Harris receive his certificate of fitness. That Mr. C. A. S. Body be called to the Bar and receive his certificate of fitness. That Mr. R. R. Bradley be admitted as a student of the Graduate Class, as of

Trinity Term; that Mr. W. E. Smith be admitted as a student of the Matriculant Class as of Trinity Term. The following gentlemen were then called to the Bar: Messrs. C. A. S. Boddy, J. R. L. O'Connor and E. C. Wragge.

Ordered upon the report of the Legal Education Committee as follows: that the fee in respect to the Christmas examinations be \$20, and that \$10 thereof be forfeited in case of a student failing to pass his examination, and that the whole sum of \$20 or the balance of \$10, as the case may be, be credited upon the fees payable for call and admission as solicitor; that the offer of the Edward Thompson Co., Publishers, to give a prize in connection with the Law School Examinations, be respectfully declined; that the terms upon which persons not members of the Law Society should be admitted to attend lectures in the Law School, be left to the Committee to be dealt with in its discretion, according to circumstances in each case.

A report was presented from the Legal Education Committee recommending under the peculiar circumstances of the case that the holding of his present position by Mr. J. G. O'Donoghue be not deemed to be inconsistent with the requirements of the Society as to service, and recommending that in future candidates for admission be required to make declaration that they do not hold and will not hold during their service under articles or attendance in chambers any office of emolument, and that they are not and will not be employed in any occupation whatever other than student in chambers or clerk under articles, as the case may be, or to specify for the information of Convocation the nature of such office or occupation if any. The report, so far as it referred to Mr. O'Donoghue, was adopted on a division; the remainder of the report was referred back to the Committee to consider what amendment, if any, to Rule 150, would be required if the report were adopted.

The Joint Committee to which was referred the recommendation of the Finance Committee regarding the Phillips Stewart Library, reported that they were of opinion that a supplemental grant was not now necessary to the efficient maintenance of the Library, having regard to the purposes which it is intended to serve, and recommending its discontinuance, but that such discontinuance should not have any retroactive effect prior to the date upon which Convocation adopted the prior recommendation. The report was adopted.

The following report was presented from the Legal Education Committee upon the subject of irregular applications for admission:—

Your Committee has under consideration a practice which has grown up under which applicants for admission to the Society, whose qualifications are not in fact obtained in time for action by Convocation during Trinity Term, have been admitted as of that Term.

As to the obtaining of such qualifications the applicants may be divided into two classes. (1) Those whose qualifying examinations have in fact been held during or before Trinity Term, but whose certificates or diplomas cannot be produced either because the result of such examinations is not yet known, or because of delay in the issuing of such certificates or diplomas. (2) Those whose qualifying examinations have not been held until after the end of Trinity Term.

As to their notices each of these classes of applicants may be subdivided as follows:—(1) Those who have given regular notice before Trinity Term, or have given such shorter notice before or during that Term as Convocation, upon explanations made has been willing to accept, directing the notice to remain posted for an additional period. (2) Those who have not given notice until after the end of Trinity Term.

Your Committee is of opinion with regard to the first class, viz.:—those whose examinations have been held during or before Trinity Term, that if applicants of that class fall also within the first subdivision (having given either regular notice or such shorter notice, before or during Trinity Term, as Convocation has hitherto been willing to accept upon terms) there is reason-

able ground for permitting such applicants, upon completing their papers before Michaelmas Term to be entered upon the books of the Society as of Trinity Term. In such cases the applicant has done all that lay in his power to obtain the qualifications within the Term as of which he seeks admission, and it is not his fault that there has been delay either in announcing the result of the examinations or in the issuing the certificates.

But with regard to the second class, viz.:—Those whose qualifying examinations do not in fact take place until after Trinity Term, and also with regard to those of the first class who fall within the second sub-division (not having given any notice until after the end of Trinity Term):—Your Committee is of opinion that there is no satisfactory principle upon which such applicants can during Michaelmas Term be given a status upon the books of the Society relating back to Trinity Term. The Committee recommend accordingly that the practice in such cases be discontinued, and that the circular or curriculum issued for the information of intending applicants be amended accordingly.

GEO. F. SHEPLEY,
Chairman.

Dated 16th November, 1897.

The report was adopted.

Mr. Shepley, on behalf of Mr. Watson, gave notice of motion to rescind the resolutions of Convocation relating to the publication of a Century Digest.

The report of the Inspector of County Libraries was presented, and was referred to the County Libraries Committee, and it was ordered that the Inspector, Mr. Eakins, be paid \$200 for his services and expenses.

Ordered that the petition of Mr. C. C. Grant for admission as a student be referred to the Legal Education Committee.

LAW SOCIETY OF UPPER CANADA.

HILARY TERM, 1898.

Tuesday, Feb. 8th, 1898.

Present : Between 10 and 11 a.m., the Treasurer and Messrs. Barwick, Bayly, Edwards, Hoskin, Idington, Kerr, Martin, McCarthy, Strathy, Watson, and after eleven, Messrs. Aylesworth, S. H. Blake, Gibbons, Osler, Wilkes.

The consideration of the Report of the Legal Education Committee upon the proposals of the principal as to honours and compulsory attendance on lectures was deferred until the first meeting of Convocation in Easter Term next.

Mr. Watson from the Finance Committee reported as follows : That their attention has been drawn to the advertisement of one J.B.D in the *Brampton High School Gazette*, in which he describes himself as a solicitor. They have made enquiries of Mr. Austen the local registrar of the High Court at Brampton, and have received from him the accompanying letter, which with the newspaper containing the advertisement they submit for the consideration of the Benchers. The report was referred to the Discipline Committee for investigation and report.

Ordered that the application for call of Mr. W. J. McCamon, a solicitor of five years' standing, and the application for certificate of fitness of Mr. Lennox Irving, a solicitor of five years standing, be referred to a special committee, consisting of Messrs. Bayly, Edwards and Wilkes, to subject these gentlemen respectively to examinations under the Statute 57 Vict., c. 44. Ordered that Mr. G. A. Payne, a solicitor of ten years standing, be called to the Bar, and that Mr. G. L. Taylor, a barrister of ten years' standing, do receive his certificate of fitness as a solicitor.

It was, on motion of Mr. Edwards, seconded by Mr. Kerr, ordered that it be referred to a joint committee, composed of the Legal Education and Finance Committees, to consider and report upon the advisability of increasing the fees of students with the view of making the Law School as far as possible self-supporting. Ordered that Mr. Shepley be convener of said Committee.

Ordered that it be referred to the Committee on Journals and Printing to report upon the propriety of establishing a system for giving notice to members of Convocation of the business to be laid before Convocation, particularly as follows : Notice of all business to come before Convocation during Term, and of which notice has been given, or which has been directed to be taken up at any of its meetings, or which has been referred to a committee to report upon, and that the said committee be requested to report upon the first day of Convocation next Term.

Mr. Barwick gave notice of motion for leave to introduce to-morrow the following rule : The proceedings of the Benchers in Convocation shall be conducted as much as may be according to the ordinary Parliamentary mode.

Mr. Strathy, in the absence of Mr. Aylesworth, Chairman of the Library Committee, presented the Librarian's annual report on the state of the Library. The report was adopted, and it was ordered that same be printed and distributed to the profession with the next number of the reports.

Mr. Strathy, in the absence of Mr. Shepley, presented the various reports of the Legal Education Committee.

Ordered that Mr. L. F. Clarry, and Mr. W. Barclay Craig, be called to the Bar and receive their certificates of fitness.

The report of the Committee on the results of the Second and Third Year Examinations held before Christmas in certain of the subjects of these years was received.

The case of the complaint of Mr. J. O. Connors against Mr. T. C. Robinette, barrister and solicitor according to the order of Convocation of the 16th of November last, was considered. Ordered that Mr. Robinette be reprimanded by the Treasurer in the presence of Convocation. Mr. Robinette was called before Convocation and reprimanded by the Treasurer.

Mr. Bayly, from the Special Committee appointed to examine Messrs. McCamon and Irving, reported that each of these gentlemen had passed a satisfactory examination. Ordered that Mr. McCamon be called and that Mr. Irving receive his certificate of fitness.

Mr. Watson then moved, pursuant to notice given, to rescind the resolutions of Convocation relating to the publication of a Century Digest : Yeas, Messrs. Edwards, Kerr, Aylesworth, Watson and Barwick. Nays, Messrs. Martin, Idington, Wilkes, Blake, Hoskin, Osler, Strathy, Bayly and McCarthy. Lost.

The report of the Reporting Committee, dated 5th February, 1898, with respect to the Century Digest was read as follows : " Your Committee have had under consideration the resolution of Convocation of the 16th November last with reference to the cost of editing and compiling the proposed Century Digest, and they beg to report as follows : " It is estimated that the Digest will contain 5,200 pages. Upon this basis, the total cost of editing and compiling is placed by the editor, Mr. J. F. Smith, at \$18,200, and your Committee advise Convocation to place the work in the hands of Mr. Smith, under a formal contract to be executed on the basis of \$18,200, being the outside sum which his services are to cost the Society. From the above sum should be deducted at the rate of \$3 per page should the work fall short of the estimated number of pages as above. There should be paid by the Society to the editor as the work progresses such pro rata sum as Convocation may determine from time to time. The Editor is to report to Convocation each Term as to the condition of the Digest, and Convocation are to be at liberty to call for extra compilers being appointed so as to speed the work from time to time without thereby increasing the total sum payable as above." The Report was adopted. Convocation ordered that the contract be submitted to Convocation before being executed on behalf of the Society.

The following gentlemen were then called to the Bar : L. F. Clarry, W. Barclay Craig, G. A. Payne, W. J. McCamon.

Mr. Watson, from the Finance Committee, presented the annual report of receipts and expenditure for 1897.

The report of the Legal Education Committee on Mr. C. C. Grant's application for admission as a student-at-law was taken into consideration, and it was ordered that Mr. Grant could not be allowed admission. The same Committee further reported as follows : The Committee have considered the report of the Examiners in respect to Mr. J. C. L. White, who was permitted to write on the subjects of Practice, Equity and Evidence of the Second Year. No paper was set for him in Practice for reasons set out in the letter of Mr. Kingsford to the Secretary submitted herewith. Mr. Hoyles disclaims any knowledge of the matter, and says he was not consulted upon the subject. The Committee, while recommending that under the circumstances, Mr. White be allowed to write in Practice at the Easter Examinations, cannot do otherwise than to report to Convocation its regret that the senior Examiner should have assumed that he had authority to disregard the directions of Convocation. The report was adopted. The case of Mr. J. C. E. being mentioned, and correspondence bearing upon his case being read, the matter was directed to stand over to be reported upon by the Legal Education Committee.

Upon reading the letter of Mr. N. F. Paterson, Q.C., accompanied by a circular of one C. G. S., it was ordered that the same be referred to the Discipline Committee for enquiry and report. Ordered that the complaint of His Honour Judge Dartnell against Mr. S. S. S., a student-at-law, be referred to the Discipline Committee for investigation, and report. Ordered that the complaint of D. D. Reid and Marian Reid against Mr. J. M. G. be referred to the Discipline Committee for enquiry, and report. Ordered that the complaint of Mrs. Wessner against Mr. O. E. K. be referred to the Discipline Committee for enquiry, and report.

Mr. Martin, from the County Libraries Committee reported upon the application of the County of Perth Law Association for a loan under the provisions of Rule 83. Ordered that an advance or loan of \$325 be made to the said Association repayable in ten equal yearly payments.

The letter of Mr. W. F. Langworthy, barrister, Port Arthur, dated 26th January, 1898, on behalf of members of the profession in the District of Thunder Bay with reference to the establishment of a local law library at Port Arthur was read, and the matter referred to the County Libraries' Committee.

Wednesday, Feb. 9th.

Present: The Treasurer and Messrs. Aylesworth, Barwick, Guthrie, Robinson and Watson.

Mr. Barwick, in pursuance of notice given yesterday moved for leave to introduce a rule to be inserted after Rule No. 16 in page 12 of the printed rules of 1896: "(16a) The proceedings of the Benchers in Convocation shall be conducted as much as may be according to the ordinary Parliamentary mode." Convocation granted leave accordingly, and the draft rule was read a first and second time.

Friday, Feb. 18th.

Present: The Treasurer, Messrs. Barwick, Bayly, Bruce, Martin, Osler, Ritchie, Robinson.

Ordered that Mr. McBride, whose notice has remained duly posted, be called to the Bar, and Mr. G. F. Kelleher, who has attended additional lectures required, be called to the Bar and receive his certificate of fitness.

Mr. Osler from the Reporting Committee presented the quarterly report of the editor on the state of the reporting, as follows: "I have to report that there are in the Court of Appeal 25 unreported judgments, 15 of November, which will issue this week, and 10 of January. In the High Court Mr. Harman has 2, 1 of November ready to issue, and one of February. Mr. Lefroy has nothing unreported. Mr. Boomer has 5, of which 2 of November are ready to issue, and 3 of February. Mr. Brown has 17 cases unreported, 9 of December, ready to issue, and 8 of January. There are 16 unreported practice cases, 12 of December, ready to issue, and 4 of January. The Digest to the last Practice Volume, just closed, is ready to issue. The Digest of the Volume of Appeal, which will be closed this week, is in type, and the Digest of Volume 28 O.R. will be in the printers' hands early in the ensuing week."

Mr. Osler then presented the draft contract for the compilation of the Digest in pursuance of the direction of Convocation. Mr. J. F. Smith, Q.C., the Editor, was in attendance by request. The terms of the draft contract were discussed, and as a result some suggestions made were ordered to be embraced therein, and the draft as re-read after emendations, was approved. The Reporting Committee were ordered to have the contract engrossed, with power to make alteration not affecting the substance, the contract to be then duly executed.

Mr. Barwick then moved the third reading of the rule which had been

twice read on the 9th inst. The said rule was then read a third time and passed: "16 (a) The proceedings of the Benchers in Convocation shall be conducted as much as may be in the ordinary Parliamentary mode."

Messrs. James McBride and G. F. Kelleher were then introduced and called to the Bar.

Ordered that the letter of Messrs. Jarvis and Vining be referred to the Finance Committee, with a request to report to Convocation.

Mr. Bruce, from the Discipline Committee, reported upon the complaint of Mrs. Wessner against Mr. O. E. K., solicitor, that the matter had been adjusted between the parties and the complaint withdrawn, and that in the matter of the complaint of M. J. Reid and D. D. Reid against Mr. J. M. G., a prima facie case had not been made out. The Committee were discharged from the further consideration of these two cases. Mr. Bruce, from the Discipline Committee, reported that in the matter of the complaint against Mr. J. B. D., a prima facie case had been made out. Ordered that the said complaint be referred to the Discipline Committee for investigation, and report.

STATEMENT OF Receipts and Expenditure OF THE LAW SOCIETY

FOR THE YEAR ENDING 31ST DECEMBER, 1897.

PURSUANT TO R. S. O. (CHAPTER 172, SECTION 53).

The Figures on the left are the corresponding items for the year 1896.

RECEIPTS.

1896		1897
	Solicitors' Certificates :	
	Paid after the beginning of the year,	
	but payable the Michaelmas pre-	
\$ 1,965 00	vious	\$1,832 50
261 00	Fines Collected	239 00
560 00	Fees and Fines in arrear prior to the	
	preceding Michaelmas	1,224 10
23,677 00	Payable in Michaelmas of the current	
	year	22,335 00
\$26,463 00		\$25,630 60
	Barristers' Annual Fees :	
	Paid after the beginning of the year,	
	but payable the Michaelmas pre-	
\$274 00	vious	\$254 00
250 00	In arrear prior to the Michaelmas of	
	the preceding year	214 00
3,018 00	Payable in Michaelmas of the current	
	year	2,858 00
3,542 00		3,326 00
168 00	Notice Fees	216 00
\$2,600 00	Students' Admission Fees	\$3,550 00
100 00	Less Fees returned	200 00
2,500 00		3,350 00
104 00	Fees on Petitions and Diplomas	164 00
\$4,825 00	Law School Tuition Fees	\$4,555 00
50 00	Less Fees returned	15 00
4,775 00		4,540 00
\$3,550 00	Solicitors' Examination Fees	\$5,560 00
350 00	Less Fees returned	100 00
3,200 00		5,460 00
\$ 600 00	Call Fees under 57 Vict. cap. 44	\$ 700 00
5,615 00	" in Ordinary Cases	8,740 00
\$6,215 00		\$9,440 00
650 00	Less Fees returned	280 00
5,565 00		9,160 00
\$46,317 00	Carried forward	\$51,846 60

\$46,317 00	Revenue—Brought forward	\$51,846 60
294 76	Receipts from Sales of Reports	249 57
56 25	“ “ “ Ontario Digest	180 45
	County Library Loans returned :—	
\$100 00	Hamilton	\$100 00
30 00	Essex	30 00
16 00	Norfolk	16 00
34 50	Peterboro'	34 50
10 80	Bruce	10 80
191 30		191 30
58 48	Commission on Telegraph Messages	62 87
4,147 54	Interest and Dividends	3,634 57
7 00	Fines in respect of Students' Lending Library	3 70
10 97	Unforeseen	4 13
	Received from Dominion Government to forward to England towards establishing Law Library in London	250 00
	Grant from Ontario Government in aid of Telegraph and Telephone Service	175 00
<u>\$51,083 30</u>	Grand Total	<u>\$56,598 19</u>

EXPENDITURE.

REPORTS :—

\$4,715 35	Printing Reports, and notes of Cases	\$4,094 07
	Salaries :—	
\$2,000 00	Editor	\$2,000 00
1,200 00	Reporter, Q. B. D.	1,200 00
1,200 00	“ C. P. D.	1,200 00
1,200 00	“ Chy. D.	1,200 00
1,200 00	“ “	1,200 00
1,000 00	“ Court of Appeal	1,000 00
1,200 00	“ “	1,200 00
900 00	“ Practice Cases	900 00
9,900 00		9,900 00

COST OF QUINQUENNIAL DIGEST, 1891-1895 :—

Compilation :—

\$ 400 00	Editor	
1,100 00	Compilers	
2,154 05	Printing and Distribution	
<u>\$3,654 05</u>		

LAW SCHOOL :—

Salaries :—

5,000 00	Principal	\$5,000 00
6,000 00	Four Lecturers at \$1,500 each ...	6,000 00
1,050 00	Salaries of Examiners	1,050 00
230 00	Scrutineers at Examinations	235 00
70 25	Principal's Expenses visiting Uni- ted States in connection with Legal Education	26 60

12,350 25		12,311 60
<u>30,619 65</u>	Carried forward	<u>26,305 67</u>

\$30,619 65	Brought forward	\$26,305 67
502 47	Printing and Stationery	389 60
770 75	Scholarships and Medals	772 39
	Carctaking, Light, Heating, Furniture and	
1,359 85	Maintenance.....	1,096 99

LIBRARY :—

4,759 08	Books	4,055 59
567 60	Binding and Repairs	420 40
147 86	Maintenance, including Stationery.....	470 70

Salaries :—

\$1,800 00	Librarian	\$1,800 00
1,000 00	Assistant Librarian	1,000 00
162 75	Attendants during evenings.....	166 50
2,962 75		2,966 50

LAW COSTS :—

\$300 00	Solicitors' Allowance	\$100 00
597 66	Taxed Costs and Counsel Fees.....	183 06
897 66		283 06

647 20	TELEGRAPH AND TELEPHONE OFFICE	695 20
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LIGHT, HEATING, WATER, GROUNDS,
AND INSURANCE :—

\$890 00	Payment to Ontario Government for	
352 76	Steam Heating	\$890 00
136 25	Lighting	430 07
74 78	Heating.....	105 35
1,119 65	Water	59 88
18 00	Grounds	937 04
	Insurance on Stewart Library.....	
	“ East Wing and Library,	
	3 years	1,233 50
	Insurance on Law School, 3 years ..	175 80
	Rent of Safe Deposit Drawer for	
	Inventories	4 00
2,595 44		3,835 64

601 66	ADDITIONS, ALTERATIONS, REPAIRS AND FURNITURE.	318 71
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\$46,431 97	Carried forward	\$41,610 45
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\$46,431 97

Expenditure—Brought forward \$41,610 45

COUNTY LIBRARIES AID :—

Annual Grants.

\$122 17	Brant	\$79 50
28 00	Bruce	53 00
445 00	Carleton	425 00
50 00	Elgin	55 00
154 17	Essex	147 17
97 00	Frontenac	109 34
93 34	Grey	93 34
131 67	Hastings	123 00
547 50	Hamilton	542 50
188 34	Leeds	145 67
166 64	Lindsay	156 67
465 83	Middlesex	497 50
55 00	Norfolk	55 00
170 00	Oxford	
75 00	Perth	108 34
158 00	Peterborough	158 00
110 67	Simcoe	133 67
	Welland	162 50
185 00	Wellington	160 00
800 00	York	800 00
<hr/>		<hr/>
\$4,043 33		\$4,005 20

Initiatory Grants.

620 Huron.
450 Waterloo.

1,070 00			
6 12	Books and Current Digest	3 72	
50 00	Payment to Inspector (Mr. Fleming)		
200 00	" " (Mr. Eakins).	200 00	
<hr/>		<hr/>	
5,369 45			4,208 92

SECRETARIAT AND CARETAKING :—

\$1,500 00	Secretary's Salary	\$1,500 00
525 00	Caretaker's Wages	525 00
100 00	Auditor's Fee	100 00
	General Expenses and House-	
268 92	cleaning	271 11
<hr/>		<hr/>
2,393 92		2,396 11

PRINTING, ADVERTISING AND STATION-
ERY :—

\$6 20	Advertising	
	Resumé of Proceedings of Con-	
76 50	vocation	\$36 50
333 23	General Printing and Stationery	
	Account	311 00
314 30	Printing the Rules	
<hr/>		<hr/>
730 23		347 50
<hr/>		<hr/>
\$54,925 57	Carried forward	\$48,562 98

\$54,925 57 Expenditure—Brought forward \$48,562 98

PHILLIPS STEWART LIBRARY :—

265 99 Grant of an amount equal to the income earned
by the Trust Fund for the current year

MISCELLANEOUS :—

	Advance towards the establishment of Library of Canadian Statutes and Reports in England of which the Dominion Government contributed \$250, as per contra	365 83
	Grant to Osgoode Athletic Association	400 00
939 50	Expenses connected with Election of Benchers ..	
	Term Lunches	\$432 10
	Grant to Widow of the late Secretary	250 00
	Postage	53 85
	Telegrams	3 78
	Rent of Box in Safe Deposit Vaults	3 00
	Portraits and Tablets therefor	245 00
	Ice for the year	19 60
	Miscellaneous	7 72
	Expenses of the Legal Education Committee in connection with an enquiry made by them	79 80
827 75		1,094 85

BUILDING EXPENDITURE :—

5,880 00 Alterations to East Wing

430 50 Insurance in respect of Workmen's Risks

247 10 ENTERTAINMENT OF LORD RUSSELL, L.C.J.

ADDRESS TO HON. SIR JOHN HAGARTY ON HIS
RETIREMENT FROM THE BENCH AND EXPENSES
ATTENDANT ON PRESENTATION OF SAME 165 36

SUPREME COURT REPORTS :—

2,786 93 Subscription to Vol. 26 as per contract with the
Dominion Government

Subscription to Vol. 27 as per contract with the
Dominion Government

<u>\$66,303 34</u>	<u>\$52,557 16</u>
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NOTE.—On the 26th March the sum of \$5,000 was withdrawn
from investment to meet current expenses.... \$5,000 00

On the 23rd October a further sum of \$5,000 was with-
drawn from investment to meet current expenses.... 5,000 00

\$10,000 00

On the 27th December the sum of \$5,000 was replaced
and invested 5,000 00

Withdrawn from Investment during year \$5,000 00

Audited and found correct,

TORONTO,

31st January, 1898.

(Signed.)

W. H. CROSS,

Auditor.

THE LIBRARY,

OSGOODE HALL, TORONTO,

January 25th, 1898.

*To the Chairman and Members of the Library Committee of
the Law Society of Upper Canada :—*

The Librarian begs to submit his report for the year 1897,
as follows :—

The total expenditure upon Library account during the
year was \$7,898.67. This sum was expended as follows :—

Books and Periodicals.....	\$4,086 20
Binding.....	239 70
Re-binding, Repairs, etc.....	133 30
Supplies, Incidentals, etc.....	472 97
Salaries.....	2,966 50

\$7,898 67

Further details of these expenditures are given in a statement appended to this report; also, an estimate of the expenditures for the current year. The amount placed in the estimates of last year to cover the cost of the new catalogue was not expended, and is now carried forward into this year's estimates.

The number of volumes added to the library last year was 1,116, making the total number on our shelves 31,482. Of the year's accessions, 852 were purchased, 96 donated, and 168 had been taken in as periodicals and were bound for the library. A classified list of the accessions and a list of the donations, with the names of the donors, will be found appended to this report. Among the accessions were the following:—

	VOLS.
Juridical Review	8
Encyclopædia of the Laws of England (current).....	4
American and English Corporation Cases.....	48
Lawyer's Reports Annotated (current)	36
American Negligence Cases (current).	6
Imperial Blue Books relating to Canada, 1749-1895.....	45
Imperial Statutory Rules and Orders, Revised, 1889.....	8
Imperial Statutory Rules and Orders, Annual, 1890-96.....	7
Jesuit Relations and Allied Documents (current).....	12
Parkman's Works, Champlain ed.....	12

The work of noting up the Canadian and English Reports is kept sharply up to date. All the sets of English Reports in the library are noted within a few days after the Quarterly Digest is received, and all the Canadian Reports immediately upon the completion of each new volume. A new Continuing Digest was begun during the year, covering all the reports (including Supreme and Exchequer Courts) subsequent to those included in the last Ontario Digest.

The Library was, as usual, kept open in the evenings during the greater part of the year, and the attendance was much larger than in the previous year. For the 234 evenings it was as follows:—

	TOTAL.	AVERAGE PER EVENING.
Barristers	1658	7.08
Students	1741	7.44
	<hr/>	<hr/>
	3399	14.52

The total attendance was 500 greater than that of the previous year, but yet not equal to that of 1895.

All of which is respectfully submitted.

W. GEO. EAKINS,

Librarian.

EXPENDITURES, 1897.

Books, Periodicals, etc. :—

Books and Pamphlets.....	\$3,562 32	
Periodicals	417 70	
Stamping	35 35	
Freight, Brokerage, etc.....	70 83	
	<hr/>	\$4,086 20

Binding :—

168 vols.....	239 70	
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Re-binding, Repairs, etc. :—

245 vols.....	133 30	
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<i>Supplies, Incidentals, etc. :</i>	472 97	
--------------------------------------------	--------	--

Salaries :—

Librarian	1,800 00	
Assistant Librarian.....	1,000 00	
Evening Assistants.....	166 50	
	<hr/>	2,966 50

Total* Expenditure.....	<hr/>	<u>\$7,898 67</u>
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ESTIMATED EXPENDITURES, 1898.

Books, Periodicals, etc. :—

Books and Pamphlets.....	\$4,200 00	
Periodicals	500 00	
Stamping	50 00	
Freight, Brokerage, etc.....	75 00	
	<hr/>	\$4,825 00

<i>Binding</i>	325 00	
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<i>Re-binding, Repairs, etc.</i>	200 00	
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<i>Supplies, Incidentals, etc.</i>	175 00	
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<i>Salaries</i>	2,975 00	
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\$8,500 00

Cost of New Catalogue.....	<hr/>	<u>\$1,200 00</u>
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LIBRARY ACCESSIONS, 1897.

	VOLS.	COST.
Texts, Canadian.....	16	\$ 48 25
“ English.....	74	339 91
“ United States.....	34	171 25
Reports, Canadian.....	46	110 00
“ English.....	68	218 42
“ Australasian.....	4	76 00
“ Indian.....	4	15 00
“ United States.....	342	1,289 10
Statutes, Canadian.....	30	25 00
“ English.....	7	19 50
“ Australasian.....	5	30 00
“ United States.....	60	172 35
Digests and Indexes.....	44	201 72
Parliamentary.....	138	364 92
Miscellaneous (Bound Periodicals, etc.).....	160	351 81
General Literature.....	84	196 98
	<u>1,116</u>	<u>\$3,630 21</u>
Pamphlets.....	<u>24</u>	<u>\$8 62</u>
Volumes Purchased.....	852	
Volumes Donated.....	96	
Volumes Bound for the Library.....	168	
	<u>1,116</u>	

DONATIONS.

	VOLS.
Dominion Government—Journals, Sessional Papers, Statutes, etc.	15
Ontario Government—Journals, Sessional Papers, Statutes, etc. . .	19
Quebec Government—Journals, Sessional Papers	4
Nova Scotia Government—Journals	1
New Brunswick Government—Statutes	1
Manitoba Government—Journals	4
North-West Territories Government—Ordinances	1
Newfoundland Government—Statutes	3
Department of Agriculture, Canada—Statistical Year Book, 1896	1
Minister of Justice, Canada—Dominion and Provincial Legisla- tion, 1867-95	2
Minister of Education, Ontario—Documentary History of Edu- cation in Upper Canada, vols. 4, 5	2
United States Commissioner of Education—Annual Reports . . .	6
Toronto University—Examination Papers, 1896	1
Trinity University—Calendar, 1897, Year Book, 1895-96	2
Victoria University—Calendar, 1897	1
Queen's University—Calendar, 1897, Examination Papers, 1896	2
Manitoba University—Calendar, 1897	1
Secretary of State, Montana—Montana Reports, vol. 18	1
Secretary of State, Vermont—Acts, 1896	1
Secretary of Commonwealth, Massachusetts—Acts, 1897	1
New York State Library—Annual Report, 1894	2
New York Bar Association, Annual Report, 1897	1
American Bar Association—Annual Reports, 1878-96	19
His Honour Judge Woods—Harrison Hall and its Associations.	1
W. R. Riddell, Esq.—Chronicles of Newgate	1
J. G. Ridout, Esq.—Patent Law of Canada	1
D. Kemp, Esq., Sec'y Toronto Synod—Revised Constitution, etc.	1
City Clerk, Toronto—Minutes of City Council, 1896	1

LAW SOCIETY OF UPPER CANADA.

EASTER TERM, 1898.

TUESDAY, the 17th day of May, 1898.

Present: The Treasurer and Messrs. Barwick, Bayly, Bruce, Edwards, Guthrie, Hogg, Idington, Martin, Riddell, Ritchie, Strathy, Teetzel, Watson, Wilkes, Osler and Shepley.

Mr. Strathy drew attention to the bereavement sustained by the death of D'Alton McCarthy, Q.C., and M.P., and Messrs. Osler, Idington, Shepley and Riddell were appointed to draft a resolution to record the loss of Convocation and of the profession generally.

The Secretary reported as follows: The Secretary has the honour to report, That Messrs. D. B. Maclellan, Q.C., and Colin Macdougall, Q.C., have failed to attend the meetings of Convocation for three consecutive terms, to wit Trinity and Michaelmas, 1897, and Hilary, 1898. The report was referred to the Committee on Journals and Printing.

Ordered that Mr. Ralph Hubert Dignan, a solicitor of ten years' standing, be called to the Bar in pursuance of R.S.O., c. 173, s. 2, s.s. 2. The petition of Charles Cyrus Grant, that his name be entered as a student-at-law on the books of the Law Society, from which it had been erased by order of Convocation of 4th Dec., 1896, was read. His petition was accompanied by a recommendation of practitioners of the city of St. Thomas.

Ordered, that the Secretary inform Mr. Grant that his petition was not granted.

The complaint of Dr. W. F. Meikle against Mr. J. C. Ross was read. Ordered that the Secretary do inform the complainant that the ordinary proceedings of the Court will afford him redress if he be entitled thereto, the matter complained of not being such as the Benchers can investigate. The complaint of the Fleming H. Revell Company of Toronto against Mr. A. M. Clark of Palmerston was read. Ordered that the Secretary do inform the complainants that Mr. A. M. Clark is dead and that their remedy is by suit (if they have remedy), the matter complained of not being such as the Benchers can investigate. The complaint of Mr. John McDonald of Lindsay against Mr. Hugh O'Leary was read. It appeared that the same complaint had been laid before the Convocation by his solicitor, Mr. George Ritchie, of Toronto on 27th June, 1894, and, at the request of Mr. Ritchie, consideration had been deferred. Ordered that Mr. Ritchie be written to and Mr. McDonald asked to account for the causes which led to the withdrawal of the complaint, and also to state in detail what has transpired since the matter came before Convocation on 27th June, 1894. The letter of Mr. Gordon Waldron, of 22nd March, relating to the complaint of Mr. D. D. Reid and Marion Reid, his wife, against Mr. John M. Godfrey, having been read, the report made by the Discipline Committee having been adopted by Convocation on the 18th February, 1898, and six members of the Discipline Committee now being present, it was with their concurrence ordered that the letter of Mr. Waldron be referred to the Discipline Committee for report.

The report of the Legal Education Committee of Nov. 16, 1897, as to Honours at the Law School and compulsory attendance at lectures, which

Convocation had ordered to be taken into consideration this day, and of which special notice that the report would be then considered, was then taken into consideration. The report is as follows :—

The Principal reports to the Committee on the subject of Honours in the Third Year. At present, those who compete for Honours read only the same work as pass students, but are required to write at a second examination upon the same work. The Principal thinks that there should be some further differentiation between Honour and Pass men in this year at all events. He suggests two methods : (1) Requiring extra or substituted subjects for Honour men. (2) Requiring from Honour men an essay or thesis upon some legal subject. The Principal favours for the present the latter of these methods, apparently because, without a rearrangement of the School course, the former would add an undue burden to that now borne by Third Year men, and because in his view such rearrangement is not practicable while attendance at the School during the first year is left an optional matter. He points out very forcibly that the student who has not been well grounded in the work of the first year is not only himself insufficiently equipped for the second and third years' work, but operates as a drag upon the whole class and during the whole course. The lecturers are not able to be as progressive as they might otherwise be—the ground work neglected during the first year has to be made good during the second and third years, and subjects spread over three years that might well be disposed of in two, leaving for the Third Year extra subjects now left untouched, or substantial improvement and advance in some direction.

Your Committee invites the attention of Convocation to the whole subject. It reports in favour of a differentiation of Honour from Pass men in the third year at least. It prefers the scheme of extra or substituted subjects to that of an essay or thesis if such a rearrangement of the course can be made as to render the former scheme practicable. It appears to the Committee that it will be difficult if not impossible to effect such rearrangement if the Principal's advice with regard to attendance during the first year is not accepted. Your Committee thinks, however, that if such an important change is to be made it should originate with Convocation, especially in view of the careful discussion the subject received when Convocation adopted the policy which it is now suggested should be changed.

The Principal's letter to the Chairman of the Legal Education Committee accompanies this report, viz. :

TORONTO, 18th Sept., 1897.

DEAR SIR,—I desire to submit for the consideration of your Committee the following matters in connection with the School :—

I. Honours in Third Year. These are at present gained merely by answering additional questions in the different subjects ; the books read by Pass and Honour men are the same. As a practical matter it is often difficult to decide what questions are the hardest, and it is not infrequent to find that the Honour papers are considered by the men to be easier than the Pass ; this not through any want of care on the part of the examiners. In my opinion, the men who get Honours in the final year, certainly those who are awarded medals, ought in some way to be differentiated as to work from Pass men.

This might be accomplished in two ways : (a) By requiring extra or substituted subjects for Honour men, such as the important subjects of corporation law or municipal law. (b) By requiring an essay or thesis on some legal subject of general interest on which research might be made and individual work done. I find that at Toronto and McGill Universities this is required of candidates for the first degree in law. These essays to become the property of the Law Society and to be published by it, if in the judgment of the examiners worthy of the honour. The subjects to be set, and the essays examined by special voluntary examiners, members of Convocation, or otherwise, so as to give greater importance to the subject.

Of these two plans, I am for the present in favour of the latter. Were it possible to rearrange the subjects, I should prefer the former as being on the whole the more useful to the Honour men themselves—but I shrink at present from adding any extra burden in the way of subjects to the already weighty one being carried by those who take office work in addition to that of the School. Additional subjects ought in fairness to accompany some readjustment of the curriculum, and this would probably not be possible unless my next recommendation be acceded to. In any event, I recommend that some change be made in regard to Third Year Honours.

2. Attendance in First Year I beg to suggest that the time has now come to make this compulsory on all. In some respects this year's work is the most important of all—the foundations are being carefully laid. In such subjects as Real Property and Equity the work of the second year is hampered by the fact that many of the students have not mastered the initial work in the subjects—they are ignorant of the very elements of the subjects, and the lecturers are not able to be progressive.

The effect of the non-attendance of some in the first year has an effect on the whole course; it prevents a progressive system, such as ought to be arrived at, and makes it necessary to work away year after year at the same subjects, whereas some might fairly be got through in two years, leaving for the third year either extra subjects now untouched from the very necessity of the case, or else a deeper discussion of the other important subjects in that year.

It was the unanimous opinion of the American Bar Association, at its recent meeting, that no Law School course should be under three years. We cannot honestly say that ours is a three years' course, as long as attendance is not obligatory on all for that length of time. Many of those who at present are not in attendance during the first year, are precisely the persons to whom the careful elementary teaching of legal terms and principles which is aimed at in the School is most useful and necessary.

N. W. HOYLES, Principal.

It was then moved by Mr. Riddell, seconded by Mr. Bayly: That Convocation approve of the principle that all law students shall attend the Law School for a full course of three years and that it be referred to the Legal Education Committee to formulate a scheme to carry out this principle and report to Convocation. Moved in amendment by Mr. Watson, seconded by Mr. Hogg: That the subject of the letter of the Principal, as to attendance upon lectures, be referred to a special committee consisting of Messrs. Martin, Idington, Hogg, Shepley, Guthrie and Strathy, for consideration and enquiry, after reference to such sources of information as they may think proper, and to report thereon to Convocation at the meeting on the 28th June.

The amendment was lost on the following division: Yeas, Messrs. Idington, Wilkes, Hogg, Watson and Guthrie.—5. Nays, Messrs. Shepley, Martin, Edwards, Teetzel, Bruce, Bayly, Strathy, Riddell and Barwick.—9. The main motion was then carried on the same division.

It was then moved by Mr. Watson: That the Reporting Committee be asked to report to Convocation as to the time taken by the printer and publishers to print and issue the reports of the Law Society after the same are placed in their hands, giving date of receipt in some cases and date of distribution by the publishers; also to report specially as to the reporting and publication of the decisions of the Master in Ordinary, especially in Winding Up cases under the Dominion Winding Up Act, and to say why these decisions are not included in the regular reports. Ordered accordingly.

The Special Committee appointed in relation to the resolution regarding the death of the late D'Alton McCarthy presented the following report: "That the Benchers of the Law Society of Upper Canada in Convocation assembled desire to express their profound sorrow at the death of their late fellow of the Bench, Mr. D'Alton McCarthy, Q.C., M.P. That Convocation record on the minutes its sense of the great loss sustained by the Benchers, the Bar and the

country generally through the death of Mr. McCarthy, whose professional ability and eminence, as well as his fearless and conscientious discharge of public duty, have earned the admiration and esteem of all. That a copy of this resolution be engrossed and transmitted to the widow and family of the deceased, with whom the Benchers sympathize in their deep affliction."

The report was adopted and it was ordered that the same be communicated to the widow and family as in the report expressed.

Mr. Bruce from the Committee on Journals presented the following report : The Committee on Journals and Printing having taken into consideration the order of Convocation in Hilary Term, referring to this committee to report on the propriety of establishing a system for giving notice to members of the business to be laid before Convocation, beg to report that there is no necessity for giving such notice unless where specially ordered by Convocation.

The report was received and ordered to be taken into consideration on 28th June next.

Mr. Martin moved that Mr. W. H. Cross be appointed auditor for the ensuing year. Carried.

Mr. Watson, from the Finance Committee, presented the following report : That they have considered the application of Messrs. Jarvis and Vining, solicitors, for a refund of the annual fees paid by them on the 21st of September last on behalf of Mr. W. J. Clark, solicitor, of London, now deceased. The Committee beg to state that as the fees were payable on the 15th November and Mr. Clark was then practising and remained practising until the time of his confinement to his house, which occurred on 4th December, they are unable to recommend any refund of the fees, as the rule is against any such being made. The report was adopted.

Mr. Bruce, from the Committee on Journals and Printing, reported : That the Committee confirm the report of the Secretary as to the absence of Messrs. D. B. MacLennan, Q.C., and Colin Macdougall, Q.C., from the meetings of Convocation. Ordered that the report be taken into consideration on the 3rd June next, and that Messrs. MacLennan and Macdougall be notified of the report, and of the time when same is to be taken into consideration.

It was moved by Mr. Bruce, seconded by Mr. Watson, that the committee who had charge of the painting of the portrait of the Honourable Sir George Burton, Chief Justice of Ontario, be requested to communicate with the artist with a view to the improvement of the likeness. Carried. Convocation then rose.

SATURDAY, 21st May, 1898.

Present : The Treasurer and Sir Thomas Galt, Messrs. Bayly, Martin, Ritchie, Shepley and Watson.

Mr. Martin moved, seconded by Mr. Shepley, that Mr. Irving be elected Treasurer for the ensuing year. Carried.

Ordered that the Chairmen of the several standing committees for the past year be a Special Committee to report to Convocation list of members to form the standing committees for the ensuing year.

Mr. Shepley, on behalf of the Legal Education Committee, presented their report on applications for relief, and recommended as follows : That Mr. W. D. Henry be permitted to write at the Supplemental Examination of the Third Year. That Mr. G. G. Moncrieff be allowed to write at the Supplemental Examination of the Third Year. That Mr. F. H. Hurley be allowed to write at the Supplemental Examination of the Third Year. That Mr. T. A. Burgess be allowed to write at the Supplemental Examination of the First Year. That Mr. C. H. Bradburn be allowed to write at the Supplemental Examination of the First Year in the subject of contracts. That Mr. G. M. Kelly's notice for call, being late, do remain posted until the 3rd June inst. That Mr. G. F. Macdonnell's service under articles be allowed as sufficient. That Mr. I. R. Carling's service under articles be allowed as sufficient. That Mr. J. R. Graham

be required to place himself under articles until the first day of Trinity Term. That Mr. C. B. Labatt be admitted as a student-at-law of the Graduate Class.

Convocation adopted the several recommendations, and ordered accordingly.

The Secretary reported that in fulfilment of the order of Convocation of the 17th inst. in the matter of the complaint of J. Macdonald against W. H. O'Leary, he had written to Mr. Geo. Ritchie asking him to explain, and then read Mr. Ritchie's reply. Ordered that the further consideration of the complaint be deferred until the first day of Trinity term next. The letters of Mrs. Geo. Kydd to the Secretary, of the 22nd April, 30th April and 18th May, 1898, were read, and no complaint being thereby disclosed, no minute is now necessary.

Mr. Watson moved, seconded by Mr. Bayly, that Mr. Shepley be re-elected representative of the Law Society on the Senate of the University of Toronto for the ensuing year. Carried. The Secretary was directed to inform the Registrar of the University of the election of Mr. Shepley to represent the Law Society on the Senate of the University.

The Special Committee appointed to strike the Standing Committees for the ensuing year reported a list. The Committee further reported that on the following Standing Committees, viz.: Reporting, Discipline and Journals, they had left two vacancies, and in respect to these vacancies asked leave to report on some future occasion.

The report was adopted and the Special Committee further charged to report again as they proposed.

The complete list of the Committees for the year 1897-1898, after filling the vacancies, will be found in the proceedings of Convocation on the 28th June, 1898.

Convocation then rose.

FRIDAY, the 3rd June, 1898.

Present, the Treasurer and Messrs. Aylesworth, Bruce, Clarke, Martin, Osler, Robinson, Shepley and Watson.

Convocation entered into consideration of the report of the Committee on Journals and Printing of 17th May last, and no cause having been shown, the report was adopted. Convocation then ordered a call of the Bench for Tuesday the 28th day of June, to elect Benchers in the place of Messrs. Colin Macdougall and D. B. Maclellan. Convocation then ordered that there be a call of the Bench for the same date, 28th June, for the election of a Bencher to fill the vacancy caused by the death of the late D'Alton McCarthy.

Upon the report of the Legal Education Committee, presented by W. Shepley, it was

Ordered that Mr. G. M. Kelley be called to the Bar.

Mr. Shepley, on behalf of the Legal Education Committee, presented their report upon the results of the Third Year Examination held in Easter, 1898, and thereupon it was

Ordered that the following gentlemen who have passed the examination and have duly attended the required number of lectures, be called to the Bar and do receive their certificates of fitness as solicitors:—W. J. O'Neil, W. M. Griffin, J. Montgomery, W. F. Bald, H. Hartman, C. B. Nasmith, J. Campbell Elliott, A. G. Slaght, H. A. Clark, E. J. Daly, A. A. Bond, Wilson McCue, C. H. Porter, A. M. Chisholm, G. F. Macdonnell, D. R. Dobie, T. A. Hunt, G. L. T. Bull, C. A. Macdougall, J. C. Hamilton, E. H. McLean, W. L. McLaws, J. A. MacInnes, R. W. Eyre, W. M. Charlton, M. J. Kenny, E. H. McKenzie, J. A. Philion, D. P. Kennedy, I. R. Carling, I. E. Weldon.

And that the following gentlemen who have also passed the examination but have failed to attend the required number of lectures, such failure having been certified by the Principal of the Law School to be due to illness or other

good cause, be also called to the Bar and do receive their certificates of fitness as solicitors:—E. A. Dunbar, G. McCrea, C. W. Cross, T. J. Rigney, J. B. Noble, C. H. Pettit, E. T. Buck.

And further that Messrs. W. J. O'Neil, M. W. Griffin and J. Montgomery be called with honours, and that Mr. O'Neil do receive a silver medal and Mr. Griffin do receive a bronze medal.

The following named gentlemen were then introduced and called to the Bar: Mr. R. H. Dignan, a solicitor of ten years' standing, who had been on the 17th of May last ordered for call, and Mr. G. M. Kelley. Also the following named gentlemen who had been previously reported as having passed the Law School Examination, and had been ordered for Call, were then introduced and called to the Bar: W. J. O'Neil, with honours and silver medal; M. W. Griffin, with honours and bronze medal, and J. Montgomery, with honours, also W. F. Bald, H. Hartman, C. B. Nasmith, J. Campbell Elliott, H. A. Clark, A. A. Bond, Wilson McCue, C. H. Porter, A. M. Chisholm, E. A. Dunbar, G. F. Macdonnell, G. McCrea, C. W. Cross, T. A. Hunt, G. L. T. Bull, T. J. Rigney, J. A. MacInnes, R. W. Eyre, W. M. Charlton, C. H. Pettit, M. J. Kenny, E. H. McKenzie, J. A. Philion, I. E. Weldon.

Mr. Shepley, on behalf of the Legal Education Committee, presented their report on applications for relief and recommended as follows: That Mr. J. D. Ferguson be allowed to write at the Supplemental Examination in September, in place of the Easter Examination. That the notices for admission given by Messrs. W. Cain and E. M. Meighen do remain posted until the half yearly meeting, and if no objection then appear, they be admitted as students-at-law as of Easter Term. That the following gentlemen be admitted as students-at-law of the Graduate Class: E. E. Craig, J. A. Jackson, C. S. Wilkie, W. M. Ewart, W. A. Grange, G. H. Wilmer, and the following of the Matriculant Class: R. S. Colter, J. E. Metcalfe, C. A. Irvine and H. A. Rose. Mr. Shepley, on behalf of the Committee, stated that the reports on the first and second year examinations of the Law School had not been considered, the Examiners' reports having not been completed, and asked permission to report on these examinations at the half yearly meeting.

Mr. Shepley read the report of the Principal of the Law School on the work done during the past session; the report was referred to the Legal Education Committee.

Mr. Osler read the quarterly letter of the editor of the Reports upon the state of the reporting:

27th May, 1898.

DEAR SIR,—I have to report that the work of reporting is in a forward state. In the Court of Appeal, in addition to the cases in which judgment was delivered this month, there are eleven judgments of March, all ready to issue. In the High Court Mr. Harman has twelve cases unreported, two of March (revised), nine of April (two of which have been revised), and one of May. Mr. Lefroy has five, of which four are April judgments, and one of May. Mr. Boomer has eight, of which three are of March (revised), and five of April. Mr. Brown has one, of April. There are four Practice cases unreported, all of May.

J. F. SMITH.

Mr. Osler, from the Reporting Committee, presented the following report in respect to the delays in issuing the reports, and on the reporting of cases on (winding-up) companies: Your Committee have enquired as to the delay in the issue of the reports by the publishers, and report as follows: That some delay arises from the difficulty in obtaining revisions of the draft reports as first printed from the judges, and that for this delay there seems to be no remedy. That there is a delay of from eight to fourteen days after the advance copies are delivered at Osgoode Hall before the edition is distributed to the profession, and that this is the necessary and ordinary time required for the publishers' staff to bind and deliver the numbers. Orders have been given that

advance copies are to be sent to each county library, and this will to some extent put the country members on a par with those in the city. As to the reporting and winding-up cases before the Master-in-Ordinary, it will be found that many such cases have been reported, and Mr. Brown has been instructed to report all cases under the Winding-up Act that are of sufficient importance, whether such cases go to appeal or not.

It was ordered that the Reporting Committee be requested to consider what course, if any, can be taken to secure from the Supreme Court of Canada a proper system whereby causes before that Court should not be taken up, either by surprise to counsel, or without a fair opportunity to be in attendance, in view of the long distances which counsel travel in order to attend the Supreme Court. Convocation then rose.

TUESDAY, June the 28th, 1898.

Present, the Treasurer, the Attorney-General, Hon. A. S. Hardy, Messrs. Aylesworth, Barwick, Bayly, Bell, Britton, Clarke, Douglas, Edwards, Guthrie, Hoskin, Martin, Riddell, Ritchie, Shepley, Strathy, Watson and Wilkes.

Dr. Hoskin, from the Discipline Committee, presented the following report :

The Discipline Committee to whom the complaint of His Honour Judge Dartnell against Mr. Samuel Simpson Sharpe, of the city of Toronto, student-at-law, was sent for investigation, beg to report that your Committee appointed a day for the purpose of proceeding with the complaint in question. Before the day appointed for such investigation arrived, the said Mr. Sharpe in writing apologized for the act complained of by His Honour Judge Dartnell, whereupon the said Judge wrote to the Chairman accepting the said apology and withdrawing his complaint, whereupon the Chairman of your Committee notified the members not to attend on the said investigation, as the matter would not be proceeded with. Your Committee are of opinion that no action should be taken in the matter. The report was received and having been taken into consideration was adopted.

Dr. Hoskin, from the Discipline Committee, then presented the following report :—

The Discipline Committee to whom the report of the Finance Committee in the matter of one J. B. Dixon, had been sent for investigation, beg to report :—

1. That from the said report of the Finance Committee, it appeared that one J. B. Dixon had advertised himself in a Brampton paper as a solicitor.

2. That your Committee appointed a day to proceed with the said investigation and was attended by the solicitor for the Law Society and the said J. B. Dixon and his counsel, and the evidence submitted was taken by your Committee.

3. From said evidence it appeared that the said advertisement was inserted without the knowledge or concurrence of the said Dixon, and was withdrawn the moment it was brought to his notice.

4. It appears that the said J. B. Dixon is an articulated clerk who has not presented himself for examination, and it did not appear from the evidence submitted to your Committee that the said J. B. Dixon had been acting as a solicitor directly or indirectly.

5. Your Committee is of opinion that no further action should be taken in the matter. The report was received, and having been taken into consideration was adopted.

Mr. Shepley, from the Legal Education Committee, reported upon the results of the First Year Examination of the Law School in Easter, 1898.

Ordered that the following gentlemen be allowed their first year examination :—W. N. Munro, A. E. McNab, W. A. Mackinnon, M. G. V. Gould, E. G. Long, T. Gibson, G. E. Buchanan, J. E. Wallbridge, G. E. Taylor, J. A. Peel, A. M. Fulton, W. A. Nisbett, C. W. Moore, P. W. O'Flynn, F. H. A. Davis and C. W. Goodwin (equal), H. A. Tibbetts, J. H. Parker, W. D. B. Turville,

W. M. Kellock, J. L. Counsell, G. Bray, M. B. Tudhope, J. F. L. Embury and H. L. Jordan (equal), E. W. Clement, R. H. M. Temple, E. S. Senkler, C. McCrea, A. N. P. Morgan, O. D. Garbutt, J. L. O'Flynn, F. J. S. Martin and P. McDonald (equal), G. E. Kingsford, R. R. Bradley, C. K. Graham, W. B. Scott, T. D. McGee, T. I. McNeece, R. C. H. Cassels, W. B. S. Craig, H. G. Myers, J. A. Primeau, L. G. D. Legault, H. V. Hamilton, G. J. McArthur, C. S. Tapscott, S. A. Armstrong.

Ordered that the following gentlemen be allowed their first year examination with honours: Messrs. W. N. Munro, A. E. McNab, W. A. Mackinnon, M. G. V. Gould, E. G. Long, T. Gibson, G. E. Buchanan, J. E. Wallbridge, G. E. Taylor, J. A. Peel and A. M. Fulton.

The report further proceeded upon the results of the second year examination held at Christmas, 1897, and Easter, 1898. Ordered that the following gentlemen be allowed their second year examination: W. T. White, J. A. Rowland, D. Donaghy, H. R. Smith, A. R. Clute, J. G. O'Donoghue, J. Jennings, M. W. McEwan, R. I. Towers, R. C. McNab, R. F. McWilliams, F. B. Proctor, C. F. Maxwell, G. H. Gauthier, J. C. Brown, J. W. Mahon, M. R. Gooderham, G. A. Ferguson, J. G. Merrick, O. S. Black, A. Spotton, W. C. Brown, J. W. Lawrason, E. C. Sanders and V. P. McNamara (æq.), N. H. Peterson, H. C. Osborne, T. F. Slattery, W. Wadsworth, J. H. Craig and J. P. Stanton (æq.), A. C. Kingston, C. F. W. Atkinson, W. T. Goodison, A. W. Holmsted, J. R. Osborne, J. D. Falconbridge, G. B. Henwood, G. F. Mahon, W. E. N. Sinclair, H. Boldrick, T. A. White, J. G. Stanbury, W. C. Armstrong, C. Garrow, F. K. Johnston, A. F. Healy, C. W. Bell, J. W. Crozier, T. H. Crerar, J. C. Milligan, J. S. Lundy, T. E. McKee, O. de Laplante.

On the same report it was ordered that Mr. J. C. L. White, who was in Hilary Term last given permission to write at this examination on the subject of Practice, and has now on the result of his examination upon all subjects of the Second Year obtained sufficient marks to entitle him to be allowed same, be allowed same accordingly.

It was further ordered that the case of Mr. Bowerman, who has passed the examination be referred back to the Committee on Legal Education for consideration and report; and it was ordered that Messrs. J. A. Milne and J. H. Campbell, who upon a supplemental return of the examiners appear to have obtained the necessary number of marks to entitle them to be allowed their second year examination, be allowed same accordingly. And also ordered that the following gentlemen be allowed their Second Year Examination with honours: W. T. White, J. A. Rowland, D. Donaghy, H. R. Smith, A. R. Clute, J. G. O'Donoghue, J. Jennings, M. McEwen, R. I. Towers, R. C. McNab, R. F. McWilliams, F. B. Proctor, C. F. Maxwell, G. H. Gauthier, J. C. Brown.

Mr. Shepley presented a further report from the Legal Education Committee, and it was ordered that the following gentlemen be admitted as students-at-law of the Graduate Class as of Easter Term, 1898:—Messrs. A. W. Anderson, T. F. Battle, E. W. Beaty, O. M. Biggar, S. E. Bolton, Ogle Carss, Gordon M. Clark, R. H. Greer, H. P. Hill, A. W. Hunter, J. A. Jackson, C. G. Jones, A. Macgregor, D. B. White, and Mr. E. S. Fraser of the Matriculant Class; and in the case of Mr. F. L. Davidson, ordered that he be admitted as a student-at-law of the Graduate Class, and that he be permitted to write for the first year examination at the Supplemental Examination in September next, and upon passing same to proceed with the second year of the Law School course, during the next school session, and to write for the second year examination at the end of the School Session in May, 1899. And in the case of Mr. L. M. Lyon, ordered that he be permitted to write at the Supplemental Examination of the third year in September next in the subjects prescribed for the examination at Christmas last.

Mr. Shepley, on behalf of the Legal Education Committee, reported in continuation of their Report of 3rd of June last, in respect to the Third Year Examination, and it was thereupon ordered that the following gentlemen be

called to the Bar and receive their certificates of fitness : H. A. Burbidge, S. H. B. Robinson, A. C. W. Hardy, A. R. Hamilton, F. L. Pearson, T. H. Hilliar, J. B. T. Caron. And that Mr. D. M. Stewart, who upon a supplemental return by the examiners appears to have obtained the necessary number of marks to entitle him to be allowed his Third Year Examination, be allowed same.

Mr. Shepley, on behalf of the Legal Education Committee, presented their report on applications for relief, recommending as follows : That Mr. C. E. Hollinrake do re-article himself and serve under articles until the first day of Trinity Term next, that his notice do remain posted meantime, and upon the completion of his papers during Trinity Term he be, if no objection is made to appear, called to the Bar and do receive his certificate of fitness. That Mr. G. G. Moncrieff's service under articles since the 28th September, 1897, be allowed him. That Mr. F. E. Perrin, under the circumstances, upon filing the duplicate articles entered into by him and his papers being in all respects correct and regular, be called to the Bar and receive his certificate of fitness. That Mr. E. G. Osler's admission on the books of the Society be reckoned as of Easter Term, 1885, and that his papers being in all other respects correct and regular, he be called to the Bar to receive his certificate of fitness.

Convocation adopted the recommendations and ordered accordingly.

The Secretary reported that he had on the nineteenth day of June instant, pursuant to the order of Convocation of the third of June instant, issued notices to all Benchers of the Law Society of a meeting of Benchers on this day (Tuesday, 28th June), specially called for the purpose of supplying the vacancies caused by the failure of Messrs. Colin Macdougall, Q.C., and Donald Ban MacLennan, Q.C., to attend the meetings of the Benchers for three consecutive terms, and in succession to the late D'Alton McCarthy, Q.C. Messrs. Colin Macdougall, Donald Ban MacLennan and Zebulon Aiton Lash were then elected Benchers, to hold office until the beginning of Easter Term, 1901.

Mr. Shepley, from the Legal Education Committee, reported in respect of the case of Mr. John Charles Elliott : The Committee has carefully considered the case ; Mr. Elliott appeared before the Committee, and was heard on his own behalf. The Committee recommend that his application for Call to the Bar and for certificate of fitness be not granted. Ordered accordingly.

Mr. Shepley presented the following report from the Legal Education Committee, with respect to the Law School course : The Committee has considered the subject of providing for a full course of three years in the Law School compulsory on all students, and also so much of the Principal's report as relates to the Law School course, and begs to submit the following conclusions : 1. The three years' attendance should be continuous and unbroken. 2. Graduates should attend during their first, second and third years. 3. Matriculants should attend during their third, fourth and fifth years. 4. That the examinations held at Christmas should be made independent and complete in themselves so far as pass students are concerned, while with respect to Honour men the present system of combining the results of the Christmas and Easter examinations should be continued. 5. The above of course involves the abolition of the half year option referred to in the Principal's report. 6. The differentiation of Honour from Pass men in the second and third years suggested in a former report of the Principal to be by means of an examination in additional subjects to be prescribed by the Committee from time to time. 7. The rules necessary for carrying the first three paragraphs of this report into effect, should it be adopted by Convocation, should not become operative before the school session of 1899-1900.

The report was received and ordered to be taken into consideration clause by clause.

Mr. Shepley moved the adoption of the first, second and third clauses of the report.

Mr. Strathy moved in amendment that matriculants be required to take the first, fourth and fifth years in the Law School. Lost on a division.

The various clauses were adopted separately and the report then adopted as a whole.

Mr. Shepley presented the following report from the Legal Education Committee with respect to changes in the Law School building: The Committee has had under consideration that part of the Principal's sessional report which relates to the question of improved library and reading-room accommodation in the Law School. The Committee has had before it a report from the Librarian, showing that the average daily attendance of students in the reading room during the past session has been a fraction over 43, while the attendance has risen to the large figure of 81. The Committee has examined the premises, and reports that the provision now made is entirely inadequate. In the opinion of your Committee, the time has now arrived when the Law School building should be completed, and that some alterations may be found desirable in the completed portion of the building. The Committee thinks that the work should be undertaken with four objects in view: 1. The maintenance of sufficient lecture room accommodation. 2. The securing an adequate library and reading room accommodation. 3. The securing of a suitable common room for the use of the students. 4. The improvement (if at all feasible) of the present arrangements for heating and ventilation. The Committee reports accordingly, and recommends that this, or a special committee, should be entrusted with the carrying out of the work should it appear that it can be done between this date and the opening of the school in the fall, or if not, with the procuring of plans and estimates for submission to Convocation. Ordered that the Legal Education Committee do obtain and report to Convocation plans and estimates.

Mr. Shepley, on behalf of the Legal Education Committee, further reported: The Committee reports upon the reference by Convocation to this Committee on December 3rd, 1897, to consider whether any, and if so, what amendment should be made to Rule 150, that in the opinion of the Committee, no amendment to that rule is either necessary or desirable. On the contrary, your Committee is of opinion that effect should be given to the rule in all cases. The report was adopted.

Mr. Shepley, from the Legal Education Committee, presented their report on applications for relief, and recommended as follows: In the case of Mr. S. A. Hutchison, that the certificate of service from Mr. G. Hutchison, now deceased, be dispensed with, and that the remainder of the petition do stand until Trinity Term. In the cases of Messrs. W. Cain and E. M. Meighen, whose notices have remained posted pursuant to the order of 3rd June, 1898, that they be admitted as students-at-law of the Matriculant Class as of Easter term. In the case of Mr. Alfred Hail, that he be called to the Bar and receive his certificate of fitness. Convocation adopted the recommendations and ordered accordingly. The following gentlemen were then called to the Bar: Messrs. A. G. Slaght, E. J. Daly, H. A. Burbidge, D. R. Dobie, E. G. Osler, S. H. B. Robinson, A. C. W. Hardy, C. A. Macdougall, J. C. Hamilton, T. H. Hilliar, J. B. Noble, W. L. McLaws, A. Hall, A. R. Hamilton, E. T. Bucke, D. P. Kennedy, J. B. T. Caron, F. L. Pearson, I. R. Carling.

Convention adjourned until 2 p.m., when the complaint dated 13th June, 1898, of Mr. D. Ferguson, complaining of the conduct of Mr. A. E. Fripp, was read; ordered that the Secretary do inform Mr. Ferguson that his letter does not give sufficient particulars on which an opinion can be expressed by Convocation.

The letter of Mr. Geo. Leighton, complaining of the conduct of certain practitioners in the county of Dufferin was read. Ordered that no action be taken thereon. The letter of Mr. W. S. Wilson of June 25th, 1898, to the Treasurer, drawing attention to the letter signed by D. Urquhardt, Gideon Grant, and Charles Elliott of June 10th, 1898, to collect funds to defend the suits brought against members of the "Select Knights" for calls, was read. Ordered that the com-

munication be referred to the Discipline Committee to enquire whether there be a *prima facie* case against the parties signing the letter. The complaint of Mr. E. W. Nelles against Mr. F. J. Travers, accompanied by a statutory declaration, was read. The statutory declarations of Mr. Travers and others volunteered in reply were read, and it was ordered that the complaint be referred to the Discipline Committee for investigation.

The report of the Committee on Journals and Printing upon the propriety of establishing a system for giving notice to members of the business to be laid before Convocation, which had been presented May 17th, 1898, and had been on that day ordered for consideration to-day, was read, and Mr. Watson moved the adoption of the report.

Mr. Edward moved in amendment that the report be referred back for further consideration. Lost. The report was then adopted.

Mr. Shepley moved for leave to introduce a rule providing that the Legal Education Committee shall consist of fourteen members. Granted. Mr. Shepley moved the first reading of the Rule as follows: That Rule 29 be amended by striking out the word "Committee" in the second line thereof, and inserting instead thereof the words "and Legal Education Committees respectively." The rule was read a first and second time, and Mr. Shepley moved the suspension of Rule 24 (as to stages). Granted. The rule was read a third time and passed.

Mr. Shepley moved for leave to introduce a rule to be numbered No. 31a. Granted. Mr. Shepley moved the first reading of the Rule as follows: "31a. If at any meeting of any Committee, either standing or special, a quorum of the members of such Committee should not be in attendance at the hour appointed, any member or members of Convocation not on the Committee may at the request of the chairman or convener of the Committee, or in his absence, of any two members of the Committee, sit in such Committee during such meeting, and a quorum so composed shall have all the powers, at such meeting, of a quorum wholly composed of members of such Committee." The rule was read a first and second time, and Mr. Shepley moved the suspension of Rule 24 (as to stages). Granted. The rule was read a third time and passed.

Ordered that Messrs. Lash and Barwick be elected as members of the Legal Education Committee, Messrs. Lash and Macdougall members of the Reporting Committee, Messrs. Lash and Maclellan members of the Discipline Committee, and Messrs. Macdougall and Maclellan, members of the Journals Committee.

The list of members of the standing committees for 1898-99 is as follows:

FINANCE.

G. H. Watson, Chairman; A. B. Aylesworth, B. M. Britton, A. Bruce, A. H. Clarke, E. B. Edwards, G. C. Gibbons, John Hoskin, W. Kerr, E. Martin, W. R. Riddell, C. H. Ritchie, G. F. Shepley, H. H. Strathy.

REPORTING.

B. B. Osler, Chairman; Walter Barwick, B. M. Britton, E. B. Edwards, D. Guthrie, W. D. Hogg, J. Idington, Z. A. Lash, Colin Macdougall, W. Proudfoot, C. H. Ritchie, J. V. Teetzel.

DISCIPLINE.

John Hoskin, Chairman; Walter Barwick, R. Bayly, A. Bruce, E. B. Edwards, D. Guthrie, W. D. Hogg, Z. A. Lash, D. B. Maclellan, C. Robinson, H. H. Strathy, G. H. Watson.

LEGAL EDUCATION.

G. F. Shepley, Chairman; Walter Barwick, R. Bayly, John Hoskin, Z. A. Lash, E. Martin, B. B. Osler, W. Proudfoot, W. R. Riddell, C. H. Ritchie, C. Robinson, H. H. Strathy, J. V. Teetzel, G. H. Watson.

LIBRARY.

A. B. Aylesworth, Chairman ; S. H. Blake, A. H. Clarke, W. Douglas, J. Idington, W. Proudfoot, W. R. Riddell, C. H. Ritchie, C. Robinson, G. F. Shepley, H. H. Strathy, G. H. Watson.

JOURNALS AND PRINTING.

A. Bruce, Chairman ; A. B. Aylesworth, Walter Barwick, R. Bayly, John Bell, A. H. Clarke, G. C. Gibbons, W. Kerr, Colin Macdougall, D. B. Maclellan, M. O'Gara, J. V. Teetzel.

COUNTY LIBRARIES.

E. Martin, Chairman ; B. M. Britton, A. Bruce, W. Douglas, G. C. Gibbons, D. Guthrie, J. Idington, W. Kerr, M. O'Gara, B. B. Osler, H. H. Strathy, A. J. Wilkes.

(By Rule 29 the Treasurer is ex officio a member of all standing committees.)

The petition of Charles Cyrus Grant, of St. Thomas, praying for admission as a student-at-law, accompanied by his letter of June 23rd, and the letter in his favour by Mr. R. Miller, of St. Thomas, were laid before Convocation and read. It was moved that Mr. C. C. Grant be admitted as a student-at-law. Lost.

Mr. Edwards, from the Reporting Committee, presented the letter of Mr. J. F. Smith, Q.C., compiler of the Consolidated Digest, reporting that sufficient progress with the work had been made to justify payment of the sum of \$625. The letter was referred to the Reporting Committee for their report upon the said letter, in order that a certificate in accordance with the terms of the contract be furnished by the Committee.

Ordered that the following gentlemen be paid the scholarships found due them by the reports of the legal education committee :

First year : Mr. Munro, \$100 ; Mr. McNab, \$60, and Messrs. McKinnon, Gould, Long, Gibson and Buchanan, each, \$40.

Second year : Mr. White, \$100 ; Mr. Rowland, \$60, and Messrs. Donaghy, Smith, Clute, O'Donoghue and Jennings, each, \$40.

Mr. Martin, from the County Libraries Committee, reported : That the Essex Law Association has applied for a loan to purchase books necessary for the efficiency of their library. Your Committee recommend that a loan of \$360 be made to the Association, repayable in twelve yearly instalments of \$30 each, the first payment to be made Dec. 31st, 1900, and yearly thereafter until the loan is paid off, security to be given for the due expenditure of the loan in the purchase of books. Ordered that the said sum of \$360 be paid upon security being given for the due expenditure of the money, to the satisfaction of the Committee.

LAW SOCIETY OF UPPER CANADA.

 TRINITY TERM, 1898.

TUESDAY, Sept. 13.

Present : The Treasurer and Messrs. Barwick, Bayly, Bruce, Edwards, Idington, Lash, Osler, Ritchie, Shepley, Strathy, Teetzel and Wilkes.

Mr. Shepley, from the Legal Education Committee, laid on the table the Schedule of the Supplemental Examinations to be held during the present term.

Mr. Shepley, from the same Committee, presented their reports upon applications for special relief. Ordered that Mr. D. S. Bowlby's notice for call do remain posted until the last meeting of Convocation this term, and that he then be called if no objection appear. Ordered that the notice for call given by Mr. S. A. Hutchison do remain posted until 23rd September, and that if no objection appear, he be then called to the Bar, that upon completing proof of service under articles up to 2nd October, 1898, and his papers being in other respects correct and regular, he do then receive his certificate of fitness. Ordered that Mr. C. E. Hollinrake and Mr. J. R. Graham be called to the Bar and receive certificates of fitness.

Mr. Shepley, from the same committee, further reported upon the results of the Third Year examination, Easter, 1898. Ordered that the following gentlemen be called to the Bar :—Messrs. A. R. Hassard, F. E. Perrin, O. E. Culbert, G. H. Draper, H. G. Kingstone, W. S. Davidson, H. H. Shaver, R. R. Griffin, J. L. Paterson, D. S. Storey, D. M. Stewart ; and these gentlemen were with Messrs. C. E. Hollinrake and J. H. Graham introduced and called, also Mr. E. H. McLean, who had been ordered for call last term. Ordered that the following do receive their certificates of fitness :—The same gentlemen, with the addition of Mr. D. S. Bowlby, and with the exception of Mr. Shaver, who does not complete until next term.

Mr. Shepley, from the same committee, reported in respect of the special petition of Miss Eva Maude Powley :—This lady passed her first Intermediate Examination in Easter, 1897, not being bound by the Rules to attend the Law School up to the present time. In regular course, she should commence her attendance at the school at the approaching term. She presents a special petition asking that such attendance be altogether dispensed with. The Committee is of opinion that no special grounds for the petition are made out, and recommend that the petition be not granted. The report was adopted, and it was ordered accordingly.

The letter of Mr. H. H. Dewart, president of the Osgoode Amateur Athletic Association, asking for a grant of \$150 towards the purposes of the Association, was read. Ordered that the request be not granted.

The complaint of Mr. S. M. Barnes, Police Magistrate, of Smith's Falls, as to the conduct of Mr. A. B., accompanied by the declaration of one Easton was read. Ordered that the same be referred to the Discipline Committee for inquiry, whether a prima facie case be made out. Ordered that the complaint of Mr. J. McDonald against Mr. C. D., the consideration of which had been deferred until to-day be taken into consideration to-morrow.

WEDNESDAY, Sept. 14th.

Present between 10 and 11 a.m., the Treasurer, and Messrs. Edwards, Hoskin and Shepley; and after 11 a.m., Messrs. Kerr, Osler and Ritchie.

Mr. Shepley, from the Legal Education Committee, presented a further report in respect of the Third Year examinations, Easter, 1898. Ordered that the following gentlemen be called to the Bar and receive their certificates of fitness:—L. F. Stephens, H. J. F. Sissons, J. D. McMurrich, W. Finlayson, and further that Mr. Stephens be called to the Bar with honours, and do receive a gold medal, and that Mr. Sissons be also called with honours. These gentlemen were subsequently introduced and called.

Dr. Hoskin, from the Discipline Committee, reported that a *prima facie* case had been shown in the matter of the complaint of Mr. S. M. Barnes against Mr. A. B., and of the complaint of W. S. Wilson against Messrs. E. F., G. H. and I. K., and that the matters should be investigated according to the Rules of the Society. Ordered accordingly.

The complaint of Mr. John McDonald against Mr. C. D. was further directed to stand until Friday, 23rd inst.

FRIDAY, Sept. 23rd.

Present: The Treasurer, and Messrs. Bayly, Clarke, Guthrie, O'Gara, Ritchie and Watson.

Mr. Shepley, from the Legal Education Committee, presented the report of that Committee in respect of applications for special relief. Ordered that Mr. F. M. Devine be required to re-article himself for an additional period of twenty-two days. Ordered that Mr. T. J. Murray be required to re-article himself for an additional period, up to the first day of Michaelmas Term, 1898. Ordered that Mr. B. W. Thompson, who passed his Third Year Examination in Easter, 1898, be called to the Bar, and afterwards, upon furnishing satisfactory proofs of his completion of service under articles, receive his certificate of fitness. Ordered that Mr. D. S. Bowlby, whose notice for call has remained posted, be called to the Bar. Ordered that Mr. S. A. Hutchison, who has produced satisfactory proofs of his attendance in chambers, be called to the Bar. Mr. Shepley presented a report from the same committee in respect of the Third Year Examinations, Easter, 1898. Ordered that the following gentlemen be called to the Bar:—S. S. Sharpe (with honours), and F. J. MacLennan, also that each do receive his certificate of fitness. Mr. Shepley presented a report from the same committee, in respect of the Third Year Supplemental Examination, Trinity Term, 1898. Ordered that the following gentlemen be called to the Bar:—W. D. Henry, J. D. Ferguson and N. Williams, and that the same gentlemen and Mr. J. C. L. White do receive their certificates of fitness. Ordered also that Mr. J. C. L. White, whose notice for call was late but has remained duly posted, be called to the Bar. Ordered also that Mr. G. H. Davy, who applied for leave to write at said Supplemental Examination, and has written and obtained sufficient marks, be allowed said examination.

Mr. Shepley presented a report from the same committee in respect to admissions of students-at-law in the ordinary course. Ordered that the following gentlemen be admitted as students-at-law of Trinity Term, 1898:—J. P. Weeks, of the Graduate Class, and J. E. Farley, J. M. Jamieson, L. R. Knight, A. S. Bond, H. C. Gilleland, of the Matriculant Class.

Mr. Shepley also presented a report upon applications for special relief in respect to admission of students-at-law who have failed to give notice, at the proper time, for admission. Ordered that the following gentlemen be admitted as students-at-law as of Trinity Term, 1898:—Messrs. Edward Gleason (Graduate), and E. Proulx (Matriculant), and that the notices given by Messrs.

J. R. Howitt (Grad.) ; H. R. Frost, E. H. Parker, F. Symington and A. S. Williams (Matr.), do remain posted until the first day of Michaelmas Term, and that if no objection then appear they be admitted as of this Term. Ordered that Mr. W. B. Kingsmill, who presents a diploma of graduation from the Royal Military College at Kingston, be admitted as a student-at-law of the Graduate Class as of Trinity Term, 1898. In the matter of the application for admission of Mr. R. H. McKay, Mr. Shepley, from the Legal Education Committee, reported that he had passed the Junior Leaving Examination in 1893, and had obtained the full standing of a Matriculant in July, 1894 ; that he is not within the Rule as to admission, and the Committee thinks that if the Rule is to be relaxed it should be upon some principle to be defined by Convocation. It was ordered that in the absence of special circumstances, as required by section 40 of the Law Society Act, Mr. McKay's applications cannot now be entertained, and that in the meantime it stand, in order to give him an opportunity to show special circumstances, if any such exist.

Mr. Shepley, from the Legal Education Committee, reported in respect to the petition of Mr. H. L. Boldrick. Ordered that Mr. Boldrick be allowed to exercise the option of dividing his Third Year lectures between the fourth and fifth years of his course.

It was ordered that the complaint of John McDonald against Mr. C. D., barrister and solicitor, be referred to the Discipline Committee for investigation, and report. The following gentlemen were then introduced and called to the Bar :—S. A. Hutchison, B. W. Thompson, F. J. MacLennan, D. S. Bowlby, D. S. Storey, W. D. Henry, J. C. L. White, N. Williams, J. D. Ferguson.

The letter of Mr. W. S. Wilson, of 22nd September, 1898, to the Secretary, was read and referred to the Discipline Committee in connection with the complaint of Mr. Wilson, already referred to said Committee.

LAW SOCIETY OF UPPER CANADA.

MICHAELMAS TERM, 1898.

TUESDAY, November 22nd, 1898.

Present: The Treasurer and Messrs. Aylesworth, Barwick, Bayly, Britton, Bruce, Edwards, Idington, Kerr, Martin, Riddell, Ritchie, Shepley, Strathy, Teetzel, Watson and Wilkes.

On reports from the Legal Education Committee, ordered that the following gentlemen be allowed their First Year examination:—C. H. Bradburn, F. L. Davidson, G. A. J. Fraser, N. G. Larmouth, W. S. West. That J. H. Addison be allowed his Second Year examination. That Mr. J. A. Supple be transferred on the books of the Society from the Matriculant to the Graduate Class. That Mr. G. H. Levy's and Mr. A. A. Miller's notices for call remain posted until Dec. 9th, and they be then called, provided no objection in the meantime appear. That on furnishing certain proofs of service, Mr. L. M. Lyon's service be accepted. That Mr. F. M. Devine be called to the Bar and receive his certificate of fitness. That Mr. John C. MacMurphy be admitted as a student-at-law of the Graduate Class as of Trinity Term, 1898. That Mr. G. C. Hart's Third Year examination be allowed. That Mr. Arthur McEvoy on attending the latter portion of the Law School Session of 1898-1899 be allowed to write at the Easter examination. That the service under articles of Messrs. Thornburn and A. F. Kerby be allowed. That Mr. F. L. Smiley receive his certificate of fitness on proof of service to the first day of Hilary Term. That the following gentlemen be admitted as students-at-law as of Trinity Term, 1898. Graduate Class—Messrs. G. R. Howitt and F. D. Woodworth. Matriculant Class—Messrs. A. S. Williams, H. R. Frost, J. H. Parker, F. Symington, J. H. Publow and R. H. McKay.

Ordered that the following gentlemen be called to the Bar:—R. L. MacKinnon (with Honours), H. Arrell, J. H. Campbell, A. E. Christian, J. M. Mowat, W. Thornburn, A. F. Kerby, G. H. Davy, G. G. Moncrieff and G. C. Hart, and that the same gentlemen and Messrs. H. H. Shaver and G. H. Levy do receive their certificates of fitness.

In answer to an application of the Osgoode Legal and Literary Society, the secretary was directed to inform the society that permission was granted to use the lunch room, in which light refreshments were to be served, and the time of closing the Hall was extended to 1 o'clock on the occasion of their public debate and entertainment about to be held, but that this permission was granted on the distinct understanding that the leave so granted was for this occasion only, and was no disaffirmance of the rules of Convocation set forth in the minutes of the 5th Dec., 1891.

Ordered that Mr. William G. Wilson, solicitor of ten years' standing, be called to the Bar. That Mr. W. E. Stevens, a barrister of ten years' standing, receive his certificate of fitness.

There was laid on the table the schedule of the Law School examinations of the Second and Third years to be held before Christmas, 1898.

The following report was presented from the Reporting Committee:—

That Convocation having requested the Committee to consider what means, if any, can be taken to secure from the Supreme Court a proper system whereby causes before that Court should not be taken up either by surprise to Counsel or without a fair opportunity to be in attendance, in view of the long distances which Counsel have to travel in order to attend the Supreme Court, the letter of the 4th October, 1898 (a copy of which follows), was written to Sir Henry Strong by the Chairman. No answer to this letter has been received. The Chief Justice at the recent Term, while sitting at the hearing of the Quebec and Maritime lists, did not sit at the hearing of the Ontario cases which intervened between the Quebec and Maritime lists.

B. B. ÖSLER,

Chairman.

Dated 12th November, 1898.

TORONTO, 4th Oct., 1898.

THE HON. SIR HENRY STRONG,
Chief Justice of Canada, Ottawa:

MY DEAR SIR HENRY,—The Benchers in Convocation last term appointed a Committee to communicate with you on behalf of the Bar, with reference to a feeling that exists in the minds of some of the members as to the management of the docket of the Supreme Court, and I have been named Chairman of that Committee. It was pointed out to the Benchers that after the days fixed for Supreme Court sittings it is impossible for busy Counsel to take responsible work in other Courts until your sittings are over. Up to the last sittings there had been a margin of time allowed between the termination of the Quebec list and the commencement of that of Ontario, and it was said that all the Ontario Bar concerned suffered by reason of this allowance having been omitted at the last sittings of your Court. It has been submitted to the Benchers that to compel Counsel to be subject to call at the termination of the list of another Province is a great hardship; it is, at all events, impossible for Ontario or Western Counsel to ascertain with any degree of certainty what time the list from Quebec is likely to take. The Committee has been asked to point out also that where Counsel do their very best to attend and fail to get down in time by reason of an unexpected break in the docket, or miscalculation of the time which earlier cases are likely to take, the public ought not to suffer, but that the Court ought to submit to some slight inconvenience now and then, rather than put suitors who are personally not at fault to inconvenience and expense. We have before us, in Osgoode Hall, the system of the Court of Appeal, where the Bar and the Registrar try to see that the Court is kept fully occupied, and at the same time some concession is made to the convenience of Counsel; and in that higher Court to which you belong I, personally, have found the greatest consideration (far greater, indeed, than that accorded in any Court in this country) is given to members of the Bar. If there were such a state of affairs in Ottawa as we know to exist in Washington, the pressure of arrears of business might well require the strictest rules; but your Court has always been able to dispose of its docket at a sitting of a reasonable length.

I know that I need only draw your attention, and, if need be, the attention of the other members of your Court, to the feeling of the Bar as accepted by the resolution of Convocation; and I would submit for your consideration the following suggestions which would tend to remedy the evils complained of:

1. That, having regard to the distance Counsel have to travel and the value of Counsel's time, a reasonable time should elapse after the termination of the Quebec list and the calling of Ontario cases, such time to be announced during the hearing of the Quebec list when its end is in sight.

2. That no case should be struck out or appeal dismissed for want of appearance, if another case is ready for argument, unless special circumstances call for a different order.

3. That some reasonable consideration should be had for members of the Bar in charge of cases before the Court; for example, a case being over unexpectedly late in the afternoon, it shall cease to be the practice of the Court to strike out the next case for non-appearance of Counsel.

It has been in the minds of some members of the Bar to seek a remedy for the alleged grievances either through the press or Parliament; but any such action was in the meantime thought unnecessary, confidence in the Court taking the matter up and dealing fairly by the public being the best answer to any such suggestion.

I have the honour to be, etc.,

B. B. OSLER,

Chairman of the Committee of Convocation.

Ordered that a copy of the report and letter of the chairman be transmitted to the Minister of Justice respectfully drawing his attention thereto.

That the reports of the society be furnished to the compilers of the "Canadian Annual Digest" during its publication.

The following gentlemen were then introduced and called to the Bar: Messrs. R. L. MacKinnon (with honours), H. Arrell, A. E. Christian, J. H. Campbell, F. M. Devine, J. M. Mowat, A. F. Kirby, G. G. Moncrieff, G. G. Davy, G. C. Hart, W. G. Wilson.

Mr. Wilkes gave notice that at the next meeting of Convocation he would move :—That Rule 100, sec. 3, be amended by adding the words “and any retired county judge not resuming practice.” *

WEDNESDAY, 23rd November, 1898.

Present : The Treasurer and Messrs. Douglas, Guthrie, Hoskin, MacLennan, Riddell, Shepley, Strathy and Watson.

Ordered that Mr. T. J. Murray be called to the Bar, and receive his certificate of fitness. He was then introduced, and called to the Bar.

A report was presented from the Discipline Committee upon the complaint of Mr. W. S. Wilson against Messrs. U., E. and G., to the effect that the Committee was of opinion the complaint had not been established. The report was adopted.

A report was presented from the Discipline Committee upon the complaint of Mr. D. D. Reid against Mr. G., to the effect that the Committee, after hearing the solicitor for the complainants, was of opinion no action should be taken till the complainants had taken such steps as they might be advised before the Courts. The report was adopted.

A report was presented from the Discipline Committee that the complaint of Mr. S. M. Barnes against Mr. ——— had not been established, and should be dismissed. The report was adopted.

A report from the Discipline Committee upon the complaint of Mr. E. W. Nelles against Mr. T. Ordered that the report be considered on Friday, 9th December, 1898, at 12 o'clock noon; that a copy of the report be served on Mr. T., and that he be informed by notice in writing served upon him that Convocation will take action on his case at the hour of 12 o'clock noon on that day, at which time he may attend and be heard by himself or by his Counsel, and that the Counsel for the complainant be also notified of the hearing for the day fixed, and that he may attend. It was further ordered that a special call of the Bench be made for Friday, the 9th day of Dec., 1898, at 12 o'clock noon, to take the said report into consideration.

The complaints of Mr. R. Hodge against Mr. ——— and Mr. D. Ferguson against Mr. ——— were read and referred to the Discipline Committee for investigation and report.

It was then moved by Mr. Strathy on behalf of Mr. Wilkes that Rule 100, sec. 3, be amended by adding the words : “And any retired County Court Judge not resuming practice.” The Rule was read a first time and ordered for a second reading on Friday, 9th Dec., 1898.

9th December, 1898.

Present : The Treasurer, Messrs. Barwick, Bayly, Bell, Hon. S. H. Blake, Britton, Bruce, Gibbons, Guthrie, Hogg, Hoskin, Osler, Ritchie, Robinson and Teetzel.

A letter from the Minister of Justice was read, acknowledging the receipt of the Reporting Committee's report presented to Convocation at its last meeting, relative to the hearing of causes before the Supreme Court, and stating that the Minister would give the subject due consideration.

Ordered that the letter of the President of the Carleton Law Association relative to a circular issued by Mr. A. E. F. be referred to the Discipline Committee for enquiry and report.

A letter was read from Mr. J. J. Poole, solicitor, of Comber, complaining that one Wincellaus Pielson, who was not a member of the legal profession, has been in the habit of preparing papers in Surrogate Court matters, contrary to Statute and Rules. The Secretary was directed to inform Mr. Poole that a complaint should be made to the Judge of the Surrogate Court, and that the Judges of the Counties of Simcoe and York had, at the instance of the Law Associations of those counties, dealt with these matters satisfactorily.

The following report from the Editor-in-Chief, upon the work of reporting, was presented by the Reporting Committee : “The work of reporting is in a forward state. In the Court of Appeal, there are eleven cases unreported, one of October and ten of this month. In the High Court, Mr. Harman has two, one of September and one of October. Mr. Lefroy has five, two of October and three of this month. Mr. Boomer has seven, two of October and five of this month. Mr. Brown has also seven, five of October and two of this month. There are five practice cases unreported, one of April, mislaid in Court and only lately found, three of October and one of November.”

Mr. S. S. Sharpe was then called to the Bar (with honors). Mr. H. M. German was then called to the Bar.

Dr. Hoskin, from the Discipline Committee, moved the adoption of the report of that committee in the matter of the complaint of Emerson W. Nelles against Mr. Fergus J. Travers, barrister and solicitor, which had on 23rd November last been ordered to be taken into consideration to-day. The report of the committee was then read. It sets out at length the complaint, and concludes as follows: "5. From the facts brought out in the said investigation, your committee find that for valuable consideration by him received from the said Nelles he (Mr. Travers) undertook to induce Mitchell to forbear prosecuting Massey for a felony, supposed or alleged by the said Massey to have been committed, and are of opinion that the said Fergus J. Travers has been guilty of professional misconduct and conduct unbecoming a barrister and solicitor."

The secretary then reported that he had, pursuant to order, personally served Mr. Fergus J. Travers, the solicitor complained of, and also Mr. Vandervoort, counsel for the complainant, each with a copy of the report in question, and with a notice in writing informing them that action would be taken by Convocation on the complaint to-day, and that he had, on the 29th day of November last, issued notices to all Benchers of the meeting to-day, specially called for the purpose of taking such report into consideration.

Counsel for the respective parties being in attendance were called in, Mr. T. A. Hunt as counsel for Mr. Travers and Mr. M. P. Vandervoort as counsel for complainant. Mr. Hunt being asked whether Mr. Travers was in attendance, replied that he had advised Mr. Travers that it was unnecessary that he (Mr. Travers) should appear personally at this meeting of Convocation, and that he (Mr. Hunt) appeared for Mr. Travers. Mr. Hunt addressed Convocation on behalf of Mr. Travers. Mr. Vandervoort also addressed Convocation. Counsel then withdrew.

Dr. Hoskin, seconded by Mr. Bell, moved the adoption of the report.

Moved in amendment by Hon. S. H. Blake, seconded by Mr. Robinson, and carried: "That the said report be amended by striking out clause 5 thereof, and substituting in place thereof: 'That the said Fergus James Travers obtained improperly and by extortion the moneys and security referred to in the said petition, and has throughout the transaction in question been guilty of professional misconduct and conduct unbecoming a barrister and solicitor.'"

Ordered that the report be adopted.

Mr. Hunt, counsel for Mr. Travers, was then re-called and informed of the amendment so made. Upon being asked whether he had anything further to say on behalf of Mr. Travers he stated that he had nothing more to add, but would leave the matter in the hands of Convocation. Counsel then withdrew.

Resolved unanimously—the following gentlemen, Benchers of the Law Society, being then present and voting, viz.: The Treasurer, Messrs. Barwick, Bayly, Bell, Hon. S. H. Blake, Britton, Bruce, Gibbons, Guthrie, Hogg, Hoskin, Osler, Ritchie, Robinson and Teetzel—That Mr. Fergus James Travers be absolutely suspended for a period of seven years from the practice of the profession of a barrister and solicitor, that he is unworthy to practice as such solicitor, and that such suspension be communicated to the High Court pursuant to the statute in that behalf.

Resolved that the secretary do forthwith give notice to High Court of Justice for Ontario that the Benchers of the Law Society of Upper Canada in Convocation duly assembled had to-day adopted the report made after due enquiry by a committee of their number, known as the Discipline Committee, whereby Mr. Fergus James Travers had been found guilty of professional misconduct and conduct unbecoming a barrister and solicitor, that he is unworthy to practice as such solicitor, and thereupon the Benchers in Convocation, as aforesaid, did suspend him, the said Fergus James Travers, from practising as barrister and solicitor for seven years, to take effect from December 9th, 1898.

On report of the Legal Education Committee, ordered that Mr. A. J. Kappele be called to the Bar (with honors); that Messrs. E. W. Jones and F. L. Smiley be called to the Bar; that Messrs. Kappele and Jones receive their certificates of fitness; that Messrs. G. H. Levy and A. A. Miller be called to the Bar; that Messrs. L. M. Lyon, E. Gillis and C. C. Hayne be called to the Bar and receive their certificates of fitness; and that Messrs. C. E. T. Fitzgerald and Kenneth Langdon be admitted as students-at-law of the Matriculant Class as of Trinity Term, 1898.

The following gentlemen were then introduced and called to the Bar: Messrs. A. J. Kappele (with honors), F. L. Smiley, W. Thorburn, C. C. Hayne, E. W. Jones, A. A. Miller and E. Gillis.

STATEMENT OF

Receipts and Expenditure

OF THE

LAW SOCIETY

FOR THE YEAR ENDING 31ST DECEMBER, 1898.

PURSUANT TO R. S. O. (CHAPTER 172, SECTION 53).

The Figures on the left are the corresponding items for the year 1897.

1897	RECEIPTS.	1898
	Solicitors' Certificates :	
	Paid after the beginning of the year, but payable the Michaelmas pre- vious	\$ 3,192 75
\$ 1,832 50	Fines Collected	561 00
239 00	Fees and Fines in arrear prior to the preceding Michaelmas	432 00
1,224 10	Payable in Michaelmas of the current year	21,915 00
22,335 00		
<u>\$25,630 60</u>		<u>\$26,100 75</u>
	Barristers' Annual Fees :	
	Paid after the beginning of the year, but payable the Michaelmas pre- vious	\$ 458 00
\$ 254 00	In arrear prior to the Michaelmas of the preceding year	132 00
214 00	Payable in Michaelmas of the current year	2,804 00
2,858 00		
<u>3,326 00</u>		<u>3,394 00</u>
216 00	Notice Fees	206 00
\$3,550 00	Students' Admission Fees	
200 00	Less Fees returned	250 00
<u>3,350 00</u>		<u>2,350 00</u>
164 00	Fees on Petitions and Diplomas	149 00
\$4,555 00	Law School Tuition Fees	\$3,510 00
15 00	Less Fees returned	25 00
<u>4,540 00</u>		<u>3,485 00</u>
\$5,560 00	Solicitors' Examination Fees	5,440 00
100 00	Less Fees returned	
<u>5,460 00</u>		
\$ 700 00	Call Fees under 57 Vict. cap. 44	\$ 400 00
8,740 00	" in Ordinary Cases	9,160 00
<u>\$9,440 00</u>		<u>9,560 00</u>
280 00	Less Fees returned	
<u>9,160 00</u>		
<u>\$51,846 60</u>	Carried forward	<u>\$50,684 75</u>

\$51,846 60	Brought forward.....	\$50,684 75
249 57	Receipts from Sales of Reports.....	304 30
180 45	“ “ “ Ontario Digest.....	122 80
	County Library Loans returned:—	
\$100 00	Hamilton.....	\$100 00
30 00	Essex.....	30 00
16 00	Norfolk.....	16 00
34 50	Peterboro’.....	34 50
10 80	Bruce.....	10 80
.....	Grey.....	18 00
191 30		209 30
62 87	Commission on Telegraph Messages.....	60 21
3,634 57	Interest and Dividends.....	2,897 18
3 70	Fines in respect of Students’ Lending Library....	2 60
4 13	Unforeseen.....	0 90
	Received from Dominion Government to forward to England towards establishing Law Library in London.....	.....
250 00	Grant from Ontario Government in aid of Telegraph and Telephone Service....	175 00
175 00		
<u>\$56,598 19</u>	<u>Grand Total.....</u>	<u>\$54,457 04</u>

EXPENDITURE.

REPORTS:—

\$4,094 07	Printing Reports, and notes of Cases.	\$4,003 92
	Salaries:—	
2,000 00	Editor.....	2,000 00
1,200 00	Reporter, Q. B. D.....	1,200 00
1,200 00	“ C. P. D.....	1,200 00
1,200 00	“ Chy. D.....	1,200 00
1,200 00	“ “.....	1,200 00
1,000 00	“ Court of Appeal.....	1,000 00
1,200 00	“ “.....	1,200 00
900 00	“ Practice Cases.....	900 00
<u>\$9,900 00</u>		<u>\$9,900 00</u>
\$13,994 07		\$13,903 92

COST OF CONSOLIDATED DIGEST:—

	Amount paid to the Editor-in-Chief, Mr. J. F. Smith, as progressive payments on account of the com- pilation.....	\$1,250 00
.....	Stationery and Material.....	243 10
.....		<u>1,493 10</u>

LAW SCHOOL:—

	Salaries:—	
\$5,000 00	Principal.....	\$5,000 00
6,000 00	Four Lecturers at \$1,500 each... ..	6,000 00
1,050 00	Salaries of Examiners.....	1,050 00
<u>\$12,050 00</u>		<u>\$12,050 00</u>
\$13,994 07	Carried forward.....	\$15,397 02

\$13,994 07	\$12,050 00	Brought forward	\$12,050 00	\$15,397 02
	235 00	Scrutineers at Examinations	260 00	
		Principal's Expenses visiting United States in connection with		
	26 60	Legal Education		
	389 60	Printing and Stationery	512 15	
	772 39	Scholarships and Medals	934 91	
		Caretaking, Light, Heating, Furniture and Maintenance	1,173 65	
	1,096 99			
\$14,570 58				\$14,930 71

LIBRARY :—

\$4,055 59	Books	4,224 27
420 40	Binding and Repairs	405 88
470 70	Maintenance, including Stationery..	206 93

Salaries :—

	\$1,800 00	Librarian	\$1,800 00
	1,000 00	Asst. Librarian. 1,000 00	
		Attendants during evenings. .	173 25
	166 50		
	2,966 50		2,973 25
7,913 19			7,810 33

LAW COSTS :—

\$100 00	Solicitors' Allowance	\$100 00
183 06	Taxed Costs and Counsel Fees	307 78
283 06		407 78

695 20	TELEGRAPH AND TELEPHONE OFFICE	695 20
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LIGHT, HEATING, WATER, GROUNDS,
AND INSURANCE :—

	Payment to Ontario Government for	
\$890 00	Steam Heating	\$890 00
430 07	Lighting	463 05
105 35	Heating	93 80
59 88	Water	71 20
937 04	Grounds	1,021 80
	Insurance on East Wing and Library, (3 years)	
1,233 50	Insurance on Law School (3 years) ..	
175 80	" " "	18 70
	Rent of Safe Deposit Drawer for	
4 00	Inventories	12 00
3,835 64		2,570 55

318 71

ADDITIONS, ALTERATIONS, REPAIRS AND FURNITURE. 658 16

\$41,610 45

Carried forward \$42,469 75

\$41,610 45

Expenditure—Brought forward..... \$42,469 75

COUNTY LIBRARIES AID :—

Annual Grants.

\$ 79 50	Brant	\$ 86 34
53 00	Bruce	48 00
425 00	Carleton	470 00
55 00	Elgin.....	130 34
147 17	Essex.....	148 67
109 34	Frontenac	113 34
93 34	Grey	96 67
123 00	Hastings	121 44
542 50	Hamilton	532 50
145 67	Leeds.....	175 67
156 67	Lindsay.....	161 67
497 50	Middlesex	545 00
55 00	Norfolk	60 00
	Oxford	330 84
108 34	Perth.....	106 67
158 00	Peterborough	163 00
133 67	Simcoe	112 67
162 50	Welland	
160 00	Wellington	190 00
800 00	York	800 00
	Huron	205 00
	Waterloo.....	72 50

\$4,005 20

3 72

200 00

4,208 92

\$4,670 32

Books and Current Digest 18 75

Payment to Inspector.....

4,689 07

Loans :—

Essex.....	\$360 00
Perth.....	325 00

685 00

SECRETARIAT AND CARETAKING :—

\$1,500 00	Secretary's Salary.....	\$1,500 00
525 00	Caretaker's Wages.....	525 00
100 00	Auditor's Fee	100 00
271 11	General Expenses and House- cleaning.....	140 88

2,396 11

2,265 88

PRINTING, ADVERTISING AND STATION-
ERY :—

36 50	Resumé of Proceedings of Convo- cation.....	110 00
311 00	General Printing and Stationery Account	216 09

347 50

326 09

\$48,562 98

Carried forward \$50,435 79

\$48,562 98 Expenditure—Brought forward \$50,435 79

SUPREME COURT REPORTS:—

\$1,968 14	Subscription to Vol. 27 as per contract with the Dominion Government.....	
	Subscription to Vol. 28 as per contract with the Dominion Government.....	1,993 75
931 19	Disbursements of which there are no equivalent items in one year, 1898 .....	.....

MISCELLANEOUS :—

\$432 10	Term Lunches	\$305 33
250 00	Grant to Widow of the late Secretary	250 00
53 85	Postage	61 00
3 78	Telegrams	14 07
3 00	Rent of Box in Safe Deposit Vaults.	3 00
245 00	Portraits and Tablets therefor.....	300 00
19 60	Ice for the year	19 20
7 72	Miscellaneous	19 60
	Expenses of the Legal Education Committee in connection with an enquiry made by them.....	.....
79 80	Express and Freight Charges	5 55
	Contribution to Expense of Sidewalk.	74 58
	Grant in aid of Circuit Guide	5 00
	Engrossing Resolution of Condolence.	10 00
1,094 85		1,067 33
<u>\$52,557 16</u>		<u>\$53,496 87</u>

TORONTO,

31st January, 1899.

Audited and found correct,

W. H. CROSS,

Auditor.

17

Law Society of Upper Canada.

To the Benchers in Convocation Assembled :—

The Library Committee begs leave to report as follows :—

Your Committee submits herewith the Librarian's Report for the year 1898, and recommends that the said Report be printed and distributed with the next number of the current Reports.

A. B. AYLESWORTH,

Chairman.

February 7th, 1899.

THE HISTORY OF THE

REIGN OF

CHARLES THE FIRST

BY

JOHN BURNET

OF THE UNIVERSITY OF OXFORD

IN TWO VOLUMES

LONDON

Printed by J. Streater, at the Sign of the Gun, in St. Dunstons Church-yard

1679

THE LIBRARY,

OSGOODE HALL, TORONTO,

February 1st, 1899.

*To the Chairman and Members of the Library Committee of
the Law Society of Upper Canada :*

The Librarian begs to submit his report for the year
1898, as follows :—

The total expenditure upon Library account during the
year was \$7,779.98. This sum was expended as follows :

Books and Periodicals.....	\$4,206 16
Binding.....	268 85
Re-binding, Repairs, etc.....	137 03
Supplies, Incidentals, etc.....	194 69
Salaries.....	2,973 25
	<hr/>
	\$7,779 98
	<hr/>

Details of these expenditures are given in a statement
appended to this report; also, an estimate of the expenditures
for the current year.

The amount placed in the estimates of last year to cover
the cost of a new catalogue was not expended, and is now
carried forward into this year's estimates. Although the
Librarian has been engaged upon this undertaking during
his spare time for several years past, he sees no probability
of the completion of the entire work during the current year.

He has determined, therefore, to apply himself for the present solely to the "Subject-Index," which is the most urgently needed section of the proposed publication. He is confident that by so doing he will have this section ready for the printer before the long vacation, during which it can be put through the press.

The number of volumes added to the Library last year was 1,189, making the total number on our shelves 32,671. Of the year's accessions 893 were purchased, 103 donated, and 193 taken in as periodicals and bound for the Library. A classified list of the accessions and a list of the donations, with the names of the donors, will be found appended to this report.

The Library was kept open on 230 evenings during the year, and the attendance was as follows :—

	Total.	Average.
Barristers	1,819	7.90
Students	1,523	6.62
	<u>3,342</u>	<u>14.52</u>

All of which is respectfully submitted.

W. GEO. EAKINS,
Librarian.

EXPENDITURES, 1898.

Books, Periodicals, etc.:—

Books and Pamphlets.....	\$3,472 41	
Periodicals	624 10	
Stamping	53 30	
Freight, Brokerage, etc	56 35	
	<hr/>	\$4,206 16

Binding:—

193 volumes	268 85
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Re-binding, Repairs, etc.:—

260 volumes	137 03
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<i>Supplies, Incidentals, etc.</i>	194 69
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Salaries:—

Librarian	\$1,800 00	
Assistant Librarian	1,000 00	
Evening Assistants.....	173 25	
	<hr/>	2,973 25

\$7,779 98

ESTIMATED EXPENDITURES, 1899.

Books, Periodicals, etc.:—

Books and Pamphlets.....	\$4,100 00	
Periodicals	600 00	
Stamping	50 00	
Freight, Brokerage, etc	75 00	
	<hr/>	\$4,825 00

<i>Binding</i>	300 00
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<i>Re-binding, Repairs, etc</i>	200 00
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<i>Supplies, Incidentals, etc.</i>	200 00
------------------------------------------	--------

<i>Salaries</i>	2,975 00
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\$8,500 00

Cost of New Catalogue (re-vote)	\$1,200 00
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LIBRARY ACCESSIONS, 1898.

	VOLS.	COST.
Texts, Canadian	30	\$ 244 35
" English	72	282 92
" United States.....	17	86 50
Reports, Canadian	54	125 62
" English	89	302 22
" Australasian, etc.	10	254 00
" United States.....	353	1,041 55
Statutes, Canadian	72	149 25
" English	11	18 85
" Australasian, etc.	21	139 00
" United States	32	86 94
Digests and Indexes.....	47	196 13
Parliamentary	93	87 25
Miscellaneous (including Periodicals).....	164	515 66
General Literature	124	291 81
	<u>1,189</u>	<u>\$3,822 05</u>
Pamphlets	15	\$3 90
Volumes Purchased	893	
Volumes Donated	103	
Volumes Bound for the Library	193	
	<u>1,189</u>	

DONATIONS.

	VOLS.
Dominion Government—Statutes, Sessional Papers, Journals, etc.....	24
Ontario Government—Statutes, Sessional Papers, Journals, etc.....	20
Quebec Government—Sessional Papers.....	1
Nova Scotia Government—Journals.....	1
New Brunswick Government—Statutes, Sessional Papers, Journals.....	7
British Columbia Government—Statutes, Sessional Papers, Journals.....	15
Manitoba Government—Statutes.....	1
Newfoundland Government—Statutes.....	1
F. W. G. Haultain, Esq.—N. W. T. Ordinances.....	2
Minister of Agriculture, Ontario—Reports.....	2
Toronto University—Examination Papers, Calendar, etc.	3
Trinity University—Year Book, Calendar.....	2
Victoria University—Calendar.....	1
U. S. Commissioner of Education—Annual Report.....	1
Secretary of Commonwealth, Mass.—Acts, 1898.....	1
Secretary of State, Montana—Montana Reports.....	2
New York State Library—Annual Reports.....	3
Toronto City Solicitor—Statutes relating to Toronto....	2
Toronto City Clerk—City Council Minutes.....	1
Clerk Supreme Court, Hawaii—Hawaiian Reports and Statutes.....	8
Hon. Mr. Justice MacMahon—Report of Proceedings <i>re</i> Hayward.....	1
C. B. Labatt, Esq.—Law of Railway Bonds, etc., U.S....	1
Secretary International Library Conference—Transactions.....	1
Messrs. Stevens & Haynes—Reference Catalogue of Current Literature.....	2

PROCEEDINGS OF CONVOCATION.

HILARY TERM, 1899.

TUESDAY, February 7th, 1899.

Present: The Treasurer and Messrs. Aylesworth, Barwick, Bruce, Douglas, Edwards, Gibbons, Hoskin, Idington, Martin, Osler, Riddell, Ritchie, Robinson, Shepley, Strathy and Wilkes.

Reports were presented from the Discipline Committee upon the complaint of the Carleton Law Association against Mr. F., stating that the complaint had been withdrawn with the Committee's assent; and upon the complaint of Mr. Hodge against Mr. B., stating that the complaint had been withdrawn with the Committee's assent. The reports were adopted.

The report of the Legal Education Committee on the results of the Second and Third Years Examinations held before Christmas in certain of the subjects of these years was received. On a report from the Legal Education Committee, ordered that Messrs. A. A. Millar and F. L. Smiley do receive their certificates of fitness.

At eleven o'clock, on reports from the Legal Education Committee, ordered that Mr. J. W. Henderson's application for call to the Bar and certificate of fitness be granted. That the application of Mr. G. P. Hood for admission as a student-at-law as of Trinity Term, 1898, be refused. That the petition of Mr. F. H. Hurley be reserved until Easter Term. That Mr. L. H. Bowerman, upon complying with the rules in other respects, giving the necessary notices and paying the prescribed fee of \$100, be called to the Bar during Easter Term.

The Librarian's annual report on the state of the Library was presented and adopted, and it was ordered that the same be printed and distributed to the profession with the next number of the reports.

Ordered that Mr. Eakins be paid the sum of \$200 for his services as inspector of County Libraries for the year 1898.

Ordered that Mr. W. H. Stafford, a solicitor of ten years' standing, be called to the Bar.

Ordered that the application for call of Mr. F. B. Geddes, a solicitor of over five years' standing, be referred to a Special Committee consisting of Messrs. Ritchie, Shepley and Strathy, to subject Mr. Geddes to an examination under the statute and to report thereon.

The letter of Mr. Gordon Waldron upon the subject of the application being made by Mr. G. M. Gardner to the Legislature for admission as a solicitor was read.

Ordered that the Solicitor of the Society oppose before the Legislature the application of Mr. Gardner, and that he retain and instruct Mr. J. K. Kerr to represent the Law Society before the Committee of the House to whom Mr. Gardner's petition or the bill introduced may be referred.

A report was presented from the Discipline Committee upon the complaint of Mr. David Ferguson against Mr. F., to the effect that the solicitor had acted throughout the transaction with propriety and that there was no foundation for the charges of unprofessional conduct made against him, and that the Solicitor has been put to great trouble and expense in employing counsel

and attending before the Committee, all of which might have been avoided had the complainant pursued his ordinary remedy provided by the statute and applied for an order to tax the solicitor's bill. The report was adopted.

A report was presented from the Discipline Committee upon the complaint of Mr. John McDonald against Mr. O., a solicitor, to the effect that the solicitor for the complainant had withdrawn the proceedings, stating that no misconduct could be imputed to the gentleman complained of, and that the Committee were of opinion that in this instance the powers of Convocation had been appealed to and the Discipline Committee made use of to bring about the settlement of a claim which ought to have been submitted to an ordinary Court of law. The report was adopted.

The complaints of Dr. Alguire against Mr. R. and William Brown against Mr. M., and the Secretary's letters of acknowledgment were read, and the Secretary was directed to inform the complainants that their proper course was to apply to the Courts for redress.

The complaint of Mr. J. H. Parkinson against Mr. J. was read, and it was ordered that the complainant be informed that he has a remedy at law either by suit or by taxation of the solicitor's bill.

The letter dated 20th Dec., 1898, of Messrs. Nesbitt, Gauld & Dickson, complaining of the conduct of Mr. M., and forwarding a copy of an affidavit made by him in a suit of Walker v. M., was read. Dr. Hoskin, being Official Guardian, withdrew from Convocation during the discussion of this matter. Ordered that Messrs. Nesbitt, Gauld & Dickson be informed that if they desire to make any complaint a petition should be presented supported by a declaration.

Ordered that an advance of \$500 by way of loan under the rules respecting County Libraries, be granted the Lindsay Law Association.

The Special Committee appointed to examine Mr. F. B. Geddes for call to the Bar reported that he had passed a satisfactory examination.

Ordered that Mr. Geddes be called to the Bar.

The Secretary reported that Mr. Alexander Grant, Reporter of the Court of Appeal, died on the 15th December, 1898.

Ordered that Mr. R. S. Cassels be and is hereby appointed Reporter of the Court of Appeal, the office of Assistant Reporter having ceased upon the death of the late reporter, Mr. Grant.

A letter from the Secretary of the Wellington Law Association, forwarding a copy of a resolution passed by that Association on the subject of furnishing the law reports to local Masters who do not practice, was read and referred to the Finance Committee.

Messrs. W. H. Stafford and F. B. Geddes were called to the Bar.

The letter of the Deputy Attorney-General forwarding a circular from the Secretary of State for the Colonies, in reference to the admission of English, Scotch and Irish solicitors in the Colonies, was read and referred to the Legal Education Committee.

A letter from the solicitor of the Society was read, reporting that he had on the 17th day of January, 1899, obtained an order to suspend Mr. Fergus J. Travers from practice as a solicitor for the term of seven years, to take effect from the 9th day of December, 1898, and enclosing a copy of the order with affidavit of service.

The Treasurer reported that upon the application of Mr. F. W. Harcourt, President of the Osgoode Rugby Football Club, he had directed that the Club might have the use of the Great Hall and adjacent apartments on the night of the 27th January until the hour of one a.m., for the purpose of holding an At Home. The action of the Treasurer was approved.

Convocation then rose.

WEDNESDAY, 8th February.

Present : The Treasurer, Messrs. Blake (Hon. S. H.), Britton, Hogg, Osler and Riddell.
Mr. J. W. Henderson was called to the Bar.

A letter dated the 7th February from the Secretary of the Committee of the Osgoode Legal and Literary Society, asking for a grant in aid of the purposes of their Society, was read and referred to the Finance Committee for report.

Convocation then rose.

FRIDAY, 17th February.

Present : The Treasurer, Messrs. Barwick, Bayly, Clarke, Douglas, Guthrie, Hoskin, Osler, Robinson, Shepley and Watson.

Upon a report of the Finance Committee it was ordered that the Secretary inform the Osgoode Legal and Literary Society that Convocation cannot comply with their request for a grant.

The Finance Committee's annual report of receipts and expenditures for the year 1898 (which has been printed and distributed to the profession with the law reports) and the Committee's estimates of receipts and expenditure for the year 1899 were presented.

A petition from the Kent Law Association applying for an initiatory grant under the rules respecting County Libraries was presented, and it was ordered that same be referred to the County Libraries Committee, and that upon that Committee finding and reporting that all the prescribed conditions have been complied with, the Finance Committee may authorize the immediate advance of \$500 on account of the usual grant without awaiting the action of Convocation upon such report.

Mr. Watson gave notice that he would at the next meeting of Convocation move that the Reporting Committee report to Convocation upon the progress of the work done towards compiling the new digest up to date, and if practicable, submit to Convocation the manuscript as far as it has been prepared or any part of such manuscript.

Convocation then rose.

LAW SOCIETY OF UPPER CANADA.

 EASTER TERM, 1899.

TUESDAY, 16th May.

Present: The Treasurer and Messrs. Bayly, Edwards, Idington, Kerr, Martin, Riddell, Robinson, Shepley, Watson and Wilkes.

On reports from the Legal Education Committee, ordered that the following gentlemen be admitted as students-at-law, as of Easter Term, 1899 :—Messrs. F. A. Kilbourn, R. D. Schooley, D. G. M. Galbraith, G. P. Hood, F. R. Mackelcan, A. D. George, F. Babe, A. A. Ballachey, M. R. Fox, J. R. Green, H. W. Page (all of Matriculant Class).

Ordered that the notice for admission given by Mr. W. T. Detlor remain posted until 2nd June, and that he be then admitted as a student-at-law provided no objection then appear. Ordered that Mr. C. R. Deacon be permitted to write at the Supplemental Examination of the First Year. Ordered that Mr. F. H. Hurley be permitted to write at the approaching Easter Examination. Ordered that Mr. N. Y. Poucher be permitted to write at the approaching Easter Examination. Ordered that Messrs. G. F. T. Arnoldi and L. H. Bowerman, be called to the Bar.

The same Committee reported against the application of the Examiners for an increase of their salaries. The report was adopted.

The same Committee presented to Convocation in pursuance of the direction in that behalf, sketch plans and estimates for the completion of the Law School building, prepared by Mr. Frank Darling, and requested action by Convocation thereon.

The same Committee submitted answers prepared by them to the first five questions contained in the Colonial Secretary's memorandum relating to admission of English, Scotch and Irish solicitors to practice in Ontario, and as to the status of such persons as advocates. (These answers gave extracts from the Statutes of Ontario, the rules of this Society, and information as to fees, text books and procedure not necessary to be printed in the resume.)

The report was received and ordered for future consideration.

A letter from Mr. F. H. Keefer on the subject of the management of the Law School was laid on the table.

Ordered, upon a report of the Finance Committee, that the disbursement of twenty-five dollars a quarter made for the publication of the Curriculum of the Law School in the Canada Law Journal be discontinued.

Ordered, upon a report from the Committee on Journals and Printing, that the arrangement with the publishers of the Canada Law Journal, which is to be found in the minutes of Convocation of 16th November, 1897, be terminated at the end of the present year.

The Finance Committee presented the following report :—The room heretofore known as the Treasurer's and Committees' room, situated in the annex of the East Wing, beneath the Consultation rooms, has been, at the request of the Library Committee, fitted up with racks for newspaper files, and will in future be properly under the control of the Library Committee.

Your Committee beg to report that in their opinion Rule 71 of the Law Society should be repealed and the following substituted therefor :—

“It shall be the duty of the Library Committee to assume the general supervision and management of the Library, its annexes, the Benchers’ robing room, the Consultation rooms and the Treasurer’s and Committees’ room.”

The report was adopted. Mr. Watson obtained leave to bring in a rule to amend Rule 71 accordingly.

The Secretary reported :—That Mr. Colin Macdougall had failed to attend the meetings of Convocation for three consecutive terms, namely, Trinity and Michaelmas, 1898, and Hilary, 1899. The report was referred to the Committee on Journals and Printing.

Complaints against four several solicitors were read ; three were considered of a class in which Convocation could not interfere, and the fourth, of Mr. Charles E. Bennett against Mr. ———, was referred to the Discipline Committee to report whether a *prima facie* case be shewn.

A letter from Mr. Fred. J. Tomkins, of the International Law Association, stating that said Association intend to hold their meeting at Buffalo on the 31st August and 1st and 2nd September next, and inviting members of the Bar to participate in the proceedings, was read. The Secretary was directed to acknowledge the communication and to say that an early reply will be forwarded to inform Mr. Tomkins of the names of those able to attend. The Treasurer and Messrs. Robinson, Riddell and Watson, were appointed a Committee to deal with the matter.

The petition of Mr. Fergus J. Travers was read, and Mr. A. H. Marsh, Q.C., his counsel, heard on his behalf in support of the petition.

Ordered that the prayer of the petition be not granted.

Messrs. L. H. Bowerman and G. F. T. Arnoldi, were introduced and called to the Bar.

On motion Mr. W. H. Cross was reappointed Auditor for the current year, namely, up to the end of Easter Term, 1900.

At 2.30 p.m.

The County Libraries Committee reported, on the application of the Leeds and Grenville Law Association for a loan of \$525, that the Association has been established for more than two years, and has regularly made the required returns and has complied with the rules and requirements of the Law Society, and recommended that the amount asked for should be advanced, repayable in ten years, without interest, out of the future annual grants. The report was adopted, and it was ordered that the advance of \$525 be made upon the security being given in the usual form for the due expenditure of the money.

The petition of Mr. George Macgregor Gardner was read, stating that the Legislature of the Province of Ontario had passed an Act authorizing the Law Society to admit him as a Solicitor, and praying that upon passing such examination as the Law Society might prescribe, he should receive a certificate of fitness as a solicitor. Ordered that the petition be referred to the Legal Education Committee to prescribe and hold such examination.

The notice given by Mr. Watson on the 17th February last, having reference to the progress of work on the new Digest, was ordered to stand for the first day of next term.

WEDNESDAY, 17th May.

Present : The Treasurer and Messrs. Aylesworth, Clarke, Douglas, Guthrie, Shepley, Teetzel and Watson.

Ordered that the Hon. A. S. Hardy, Attorney-General, and Messrs. Osler, Lash and Barwick, be added to the Special Committee appointed in relation to the International Law Association.

Mr. Watson, pursuant to leave given yesterday, moved :—That Rule 71 be amended as follows : By striking out the word “and” in the third line of the said rule, and adding after the word “rooms” the words “and Treasurer’s and Committees’ room.” The rule was read a first time.

Convocation then entered upon consideration of the report presented yesterday by the Legal Education Committee submitting plans and estimates for the Law School building.

Ordered that the consideration of the said report be deferred until Friday, the 2nd day of June, 1899, and that a copy of the report with respect to the completion of the Law School building presented by the Legal Education Committee on 28th June, 1898, be circulated to the members of Convocation, and they be informed that the architect’s estimate of the cost of completion of the building and of the changes required to heat and ventilate the building is as follows :—

Completion of Law School Building	\$2,025
Change in system of heating and ventilation : Introduction of heat from Government plant	1,600
Introduction of new plan of ventilation	1,000
Hot water boiler	100
	<hr/>
	\$4,725

Mr. Douglas moved :—That the question of reconstructing the heating apparatus in the Law School be referred to the Legal Education Committee to ascertain whether that apparatus cannot be made successful, and that the Smead Dowd Company be notified of the unsatisfactory results, so as to ascertain if it cannot repair the apparatus and make it effective, and that it also be referred to the Committee to enquire and report whether the proposed expenditure for the cost of improving the Reading room and new rooms proposed for the Law students cannot be substantially reduced, and that the Committee be requested to report to Convocation on the 2nd June next. Carried.

A report was read from the Committee on Journals and Printing, confirming the report of the Secretary as to the absence of Mr. Colin Macdougall from the meetings of Convocation. Ordered that the same be taken into consideration on the 2nd of June next, and that Mr. Macdougall be notified of the report and of the time when it is to be considered.

The Legal Education Committee reported that the term of office of the lecturers in the Law School expires during the present term of Easter, and that of the Examiners in next Trinity Term, and recommended that steps be taken forthwith to appoint their successors. Ordered that the usual advertisement for applicants for the offices of lecturers be published, and that a Call of the Bench be issued for Friday, the 2nd day of June next, upon which day the appointment of lecturers will be made.

The communication from the Secretary of State for the Colonies with reference to the admission of English, Scotch and Irish solicitors, with the report of the Legal Education Committee on the subject, was then taken into consideration. The report of the Committee, embodying the answers to the questions contained in such communication, was adopted, and it was ordered that such answers be forwarded to the Attorney-General, through whom the communication had been transmitted, and it was further ordered that the report of the Legal Education Committee upon the subject of the admission of such solicitors, which had been adopted by Convocation on the 4th June, 1897, be also transmitted to the Attorney-General.

The letter, dated 1st March, of Messrs. Montgomery, Fleury & Montgomery, in respect of the complaint of Mr. T. H. Parkinson again against Mr. ———, a solicitor, was read. The Secretary was directed to reply that the order of Convocation of 17th February, 1899, dealing

with this complaint had been on the same date communicated to the complainant, and that Convocation sees no reason to modify its former direction.

The letter dated 15th May of Mr. David Ferguson, respecting his complaint against Mr. ———, was read, and the Secretary was directed to acknowledge the letter and to inform him that its further consideration must necessarily be deferred for the present owing to the absence of the Chairman of the Discipline Committee.

SATURDAY, 20th May.

Present : The Treasurer, and Messrs. Aylesworth, Barwick, Gibbons, Martin, Maclellan, Robinson, Shepley and Watson.

Mr. Martin moved, seconded by Mr. Maclellan, that Mr. Irving be elected Treasurer for the ensuing year. Carried.

Ordered that the Chairmen of the several Standing Committees for the past year be a Special Committee to report to Convocation a list of members to form the Standing Committees for the ensuing year.

The Special Committee reported a list as members to compose such Committees.

The list of Committees as it stands after filling the vacancy caused by the death of Mr. Martin O'Gara, Q.C., and the appointment of Chairmen, is as follows :—

FINANCE.—Messrs. G. H. Watson, *Chairman* ; A. B. Aylesworth, Walter Barwick, B. M. Britton, A. Bruce, A. H. Clarke, E. B. Edwards, G. C. Gibbons, John Hoskin, E. Martin, W. R. Riddell, C. H. Ritchie, G. F. Shepley, H. H. Strathy.

REPORTING.—Messrs. B. B. Osler, *Chairman* ; B. M. Britton, E. B. Edwards, D. Guthrie, W. D. Hogg, J. Idington, W. Kerr, Z. A. Lash, Colin Macdougall, W. Proudfoot, C. H. Ritchie, J. V. Teetzel.

DISCIPLINE.—Messrs. John Hoskin, *Chairman* ; Walter Barwick, R. Bayly, A. Bruce, E. B. Edwards, Donald Guthrie, W. D. Hogg, Z. A. Lash, D. B. Maclellan, C. Robinson, H. H. Strathy, G. H. Watson.

LEGAL EDUCATION.—Messrs. Z. A. Lash, *Chairman* ; Walter Barwick, R. Bayly, John Hoskin, E. Martin, B. B. Osler, W. Proudfoot, W. R. Riddell, C. H. Ritchie, C. Robinson, G. F. Shepley, H. H. Strathy, J. V. Teetzel, G. H. Watson.

LIBRARY.—Messrs. A. B. Aylesworth, *Chairman* ; S. H. Blake, A. H. Clarke, W. Douglas, J. Idington, W. Proudfoot, W. R. Riddell, C. H. Ritchie, C. Robinson, G. F. Shepley, H. H. Strathy, G. H. Watson.

JOURNALS AND PRINTING.—Messrs. A. Bruce, *Chairman* ; A. B. Aylesworth, Walter Barwick, R. Bayly, John Bell, F. H. Chrysler, A. H. Clarke, G. C. Gibbons, W. Kerr, Colin Macdougall, D. B. Maclellan, J. V. Teetzel.

COUNTY LIBRARIES.—Messrs. E. Martin, *Chairman* ; B. M. Britton, A. Bruce, F. H. Chrysler, W. Douglas, G. C. Gibbons, D. Guthrie, J. Idington, W. Kerr, B. B. Osler, H. H. Strathy, A. J. Wilkes.

Note.—On the 22nd September, 1899, Mr. F. H. Chrysler, who had been elected a Benchers, was appointed a member of the Journals and Printing Committee and the County Libraries Committee.

The rule to amend Rule 71 was now read a second and third time and passed.

The petition of Mr. Charles Cyrus Grant, praying for admission as a student-at-law, and asking that such allowance be made in his time as the Benchers may deem just for the three years already spent in the study of the law, was read and considered.

Ordered that the prayer of the petition be not granted.

FRIDAY, 2nd June, 1899.

Present: The Attorney-General, Hon. A. S. Hardy, Messrs. Bayly, Bruce, Clarke, Douglas, Edwards, Guthrie, Idington, Martin, Maclellan, O'Gara, Osler, Proudfoot, Riddell, Shepley, Strathy, and Watson.

In the absence of the Treasurer, Mr. Martin was appointed Chairman.

It was moved by Mr. Shepley, seconded by Mr. Ritchie, that Mr. Lash be elected as representative of the Society on the Senate of the University of Toronto for the ensuing year. Carried.

Convocation then took into consideration the report of the Committee on Journals and Printing with respect to the absence of Mr. Macdougall from the meetings of Convocation. Ordered that a Call of the Bench be issued for Tuesday, the 12th day of September next, to elect a Benchman in place of Mr. Macdougall.

The report of the Legal Education Committee upon applications received for the position of Lecturers in the Law School was presented. On motion it was decided to proceed to election of lecturers by ballot. Messrs. E. Douglas Armour, A. H. Marsh, John King and McGregor Young, were elected Lecturers.

Ordered, upon a report from the Legal Education Committee, that Mr. C. W. Bell be called to the Bar at the half-yearly meeting upon proving his attendance in Chambers for three years, and that he receive his certificate of fitness upon the expiration of his term of service under articles. That Mr. J. P. Stanton's service be accepted as sufficient. That Mr. C. F. W. Atkinson's service be accepted as sufficient. That Mr. J. C. Milligan's admission be reckoned as of Easter Term, 1896. That Mr. R. I. Towers' admission be reckoned as of Easter Term, 1896. That Mr. T. A. White's service be allowed as sufficient. That the following students be allowed their First Year examination:—R. H. Greer, A. Macgregor, H. A. C. Machin, F. L. Button, W. F. Dunn, A. H. Armstrong, A. W. Anderson, E. W. Beatty, J. R. Howitt, C. F. Newell, S. E. Bolton, J. Ainslie Jackson, W. M. Ewart, W. Watkins and G. M. Clark (equal), R. H. McKay, E. Gleason, F. W. Grant, C. G. Jones, T. H. Barton, W. McMaster, A. Macdonald, T. A. Watterston, J. M. Gunn, T. F. Battle and F. L. Sutherland (equal), W. E. Seaborn and F. J. Wegg (equal), D. B. White and J. Arthur Jackson (equal), C. A. Irvine, F. Symington, A. M. McLean and C. A. R. Dulmage (equal), H. R. Frost, G. W. Spence, T. A. Burgess and H. Parker (equal), G. A. Stiles, W. A. Grange and J. O. Carss (equal), J. P. Weekes and A. E. Bowles (equal), W. B. Kingsmill, C. S. Wilkie, W. E. Marshall, R. S. Colter, W. G. R. Bartram, J. M. Kearns and F. D. Woodworth (equal).

That the following gentlemen be allowed their First Year examination with Honours:—H. A. C. Machin, R. H. Greer, A. Macgregor, F. L. Button, W. F. Dunn, C. F. Newell, A. W. Anderson, E. Gleason, and that Mr. Machin is entitled to a scholarship of \$100, Mr. Greer to one of \$60, and Messrs. Macgregor, Button, Dunn, Newell and Anderson, each to one of \$40.

That the following students be allowed their Second Year examination:—Messrs. W. N. Munro, E. G. Long and J. A. Peel (equal), G. E. Buchanan, A. E. McNab, J. A. Wilson, A. M. Fulton and T. Gibson (equal), J. L. Taugher, E. C. Jones, C. H. Bradburn, J. E. Wallbridge, G. Bray, C. W. Moore, O. D. Garbutt, P. W. O'Flynn, J. A. McPhail, H. L. Jordan, W. A. Mackinnon, G. W. Goodwin, J. Milden, J. K. Burgess, J. L. Counsell, M. G. V. Gould, T. I. McNeece, A. J. Beatty, C. K. Graham, A. B. Colville, A. Fleming, Miss E. M. Powley, F. H. A. Davis, I. W. McArdle, W. B. S. Craig, W. B. Scott, W. M. Kellock, G. A. J. Fraser, C. S. Cameron and S. A. Armstrong (equal), J. A. Primeau, M. B. Tudhope, T. D. McGee, E. S. Senkler, J. L. O'Flynn, R. R. Bradley, F. L. Davidson, R. C. H. Cassels, W. E. Burns, A. N. Morgan, P. McDonald, F. J. S. Martin, C. S. Tapscott, R. H. M. Temple, H. G. Myers, L. G. D. Legault.

That the following gentlemen be allowed their Second Year examination with Honours :—Messrs. G. E. Buchanan, J. A. Wilson, J. A. Peel, A. E. McNab, W. N. Munro, E. G. Long, C. W. Moore, A. M. Fulton, T. Gibson, W. A. Mackinnon, J. E. Wallbridge, G. Bray, J. K. Burgess, J. A. McPhail, M. G. V. Gould, C. H. Bradburn, H. L. Jordan, and that Mr. Buchanan do receive a scholarship of \$100, Mr. Wilson one of \$60, and Messrs. Peel, McNab, Munro, Long and Moore, each one of \$40.

That the following gentlemen be called to the Bar and receive their certificates of fitness as solicitors :—A. R. Clute, R. F. McWilliams, J. C. Brown, W. R. Wadsworth, W. E. N. Sinclair, W. C. Brown, J. W. Lawrason, J. P. Stanton, R. G. R. Mackenzie, R. I. Towers, T. A. White, J. D. Falconbridge, J. G. Merrick, C. F. W. Atkinson, J. C. Milligan, F. M. L. Gordon, A. McEvoy, J. C. McIntosh, W. C. Armstrong, E. H. Bickford.

That Mr. A. R. Clute and Mr. R. F. McWilliams be called to the Bar with Honours, and that Mr. Clute do receive a Bronze Medal.

Mr. Riddell moved, seconded by Mr. Guthrie :—That over ten years having elapsed since the last consolidation of the Dominion Statutes, it is the opinion of Convocation that the interests of the public and of the profession demand a new consolidation as soon as practicable. That the Treasurer be requested to communicate to the Minister of Justice the opinion of Convocation in this respect. Carried.

The following report from the Editor-in-Chief, upon the work of reporting, was presented by the Reporting Committee :—The work of reporting is in a forward state. In the Court of Appeal, in addition to the cases in which judgments were delivered this month, there are six cases of March unreported which are ready and will be issued next week. In the High Court Mr. Harman has seven, of which two are of March (ready), four of April, and one of May. Mr. Lefroy has two, of March (ready). Mr. Boomer has seven—five of March and two of April. Mr. Brown has four, of April. There are four Practice cases unreported—two of April (one ready), and two of May.

The following gentlemen were then called to the Bar :—Messrs. A. R. Clute (with Honours and Bronze Medal), R. F. McWilliams (with Honours), J. C. Brown, W. E. N. Sinclair, J. W. Lawrason, W. R. Wadsworth, W. C. Brown, J. C. Milligan, F. M. L. Gordon, W. C. Armstrong, J. P. Stanton, R. I. Towers, T. A. White, J. G. Merrick, E. H. Bickford, J. C. McIntosh, A. McEvoy, J. D. Falconbridge, C. F. W. Atkinson.

The letter of Mr. Charles Cyrus Grant was read. Ordered that he be furnished with a copy of the documents asked for.

On motion of Mr. Watson, the Acting Chairman for the day was authorized to sign certificates of fitness.

On motion of Mr. Edwards, ordered that Messrs. Riddell, Martin, Strathy, Watson and Edwards be a Committee to consider and report upon the question of the transaction of the business of Convocation and suggest any legislation required, Mr. Edwards to be convener of the Committee.

Ordered that the matters referred to in the Secretary's circular to the Benchers, dated 22nd May, 1899, do stand until the half-yearly meeting.

TUESDAY, 27th June, 1899.

Present : The Treasurer and Messrs. Aylesworth, Barwick, Bruce, Hoskin, Martin, Ritchie, Robinson, Shepley, Teetzel and Watson.

The Treasurer informed Convocation that in the absence of the Secretary, Mr. Macbeth, through illness, he had, pursuant to Rules 37 (8) and 44, appointed the Librarian, Mr. Eakins, Acting Secretary, until such time as the Secretary should return to his office. Approved.

The Treasurer informed Convocation that he had written to the manager of the Bank of Hamilton, notifying him that he had given Mr. W. G. Eakins, authority, as Acting Secretary, to countersign all cheques drawn upon the Law Society's funds in the said bank. Approved.

Dr. Hoskin, from the Discipline Committee, presented the following reports:—In the case of the complaint of David Ferguson against Mr. A., read to Convocation on May 17th last, the Committee had considered the letter and directed that Mr. Ferguson be informed that Convocation had already dealt with this matter, the Committee having in his presence found that no ground of complaint had been established and that the complaint should not have been sent to the Society, and that the Committee thought at the time that Mr. A. had acted with propriety. Adopted.

In the case of the complaint of Charles E. Bennett against Mr. C., referred to the Committee on May 16th last, a letter dated 20th June, 1899, was received from Mr. M. P. Vandervoort, asking leave on behalf of the complainant to withdraw the complaint, which had been granted. Adopted.

That a letter had been received from Mrs. Hudgin, of South Bay, complaining in general terms of the conduct of her solicitors, and that the Committee thought that the communication should not be answered. Adopted.

Ordered upon a report from the Legal Education Committee:—That the notices for admission given by Messrs. W. G. Mahaffy and D. A. Macdonald be deemed sufficient, and that they be admitted as students-at-law of the Matriculant Class. That Mr. W. T. Detlor, whose notice for admission has remained duly posted be admitted as a student-at-law of the Graduate Class. That Messrs. O. M. Biggar and C. B. Patterson be permitted to write at the Supplemental examination of the First Year. That the following gentlemen be admitted as students-at-law of Easter Term:—Graduates E. N. Armour, E. T. Bishop, J. Bradford, M. C. Cameron, J. A. Donald, C. L. Durie, E. A. Cleary, J. H. F. Fisher, G. C. King, R. D. Moorehead, J. R. W. Meredith, R. H. Paterson, A. J. Poynter, J. T. Richardson, W. A. Sadler, R. S. Waldie (Graduates), and Messrs. G. G. Alberty, E. F. G. Gibson, E. E. Wallace, A. A. Winter (Matriculants). That the examination in the subjects of the Second Year already passed by Mr. Neil Sinclair, be allowed him and that he be allowed to attend Lectures from and after 1st January, 1900, and he be permitted to write on the subjects of the Second Year in which he has not been already examined. That Mr. W. T. White's service be allowed as sufficient. That Messrs. F. B. Proctor and C. Garrow be called to the Bar with Honours and do receive their certificates of fitness. That Messrs. C. W. Bell, J. W. Crozier, G. A. Ferguson and J. G. S. Stanbury, be called to the Bar and do receive their certificates of fitness. That Messrs. W. Perry and J. B. Dalzell be called to the Bar (as special cases). That Mr. G. W. Hastings, on production of certificates granted on examination which has taken place prior to this date be admitted as a student-at-law of the Graduate Class as of this Term.

Mr. Barwick, from the Legal Examination Committee, drew the attention of Convocation to the necessity of the election of Examiners, the Term of the present Examiners expiring on the last day of Trinity Term. Ordered that a Special Call of the Bench be made for Tuesday, the 12th day of September, 1899, for the election of Examiners, and that the usual advertisement be inserted at the proper time. Mr. Barwick, from the same Committee, presented the report of the Principal of the Law School, with the recommendation that the suggestions contained in paragraph 8, 11a, 11b, be carried into effect.

The report was received, the recommendations of the Committee were approved and it was accordingly ordered:—

That at the next Christmas Examination a fourth subject, viz., Constitutional Law, be added to the subjects for examination in the Third Year.

2. That students in the First Year be subject to examination on the lectures delivered, and not merely on the books prescribed.

3. That some lectures be given to the First Year in Elementary Practice.

Mr. Barwick, from the Legal Education Committee, further reported, recommending that the Smead-Dowd system in operation in the Law School building be done away with, and the water closet system substituted without delay. Ordered that the recommendations be carried out forthwith under the direction of the Legal Education Committee.

Mr. Barwick, from the same Committee, further reported :—

In the case of G. M. Gardner, referred to the Committee on May 16th, the Secretary has been instructed to inform Mr. Gardner that the fee in special cases, viz., \$200 in addition to the \$60 sent, should be paid, and he should attend at Osgoode Hall on 27th June, at 11 a.m., when the examination to be passed would be prescribed and he would be examined. The Committee reported that Mr. Gardner had paid the necessary fee and recommended that a Committee of two Benchers be appointed to examine Mr. Gardner and report to Convocation at once.

It was moved in amendment that Mr. Gardner do submit himself to the usual examination in the subjects prescribed for the examination of candidates for certificates of fitness. The amendment was carried on a division and ordered accordingly.

The Treasurer informed Convocation that upon receipt of tidings of the death of Mr. Martin O'Gara, Q.C., he had sent the following telegram to the Rev. J. P. O'Gara, Ottawa, son of the deceased gentleman :—

“The Treasurer and Benchers of the Law Society profoundly regret the great loss to their body sustained by the death of their colleague, Martin O'Gara, and beg that Mrs. O'Gara and the members of her family will accept the assurance of their deep sympathy. The half-yearly meeting of Convocation to-morrow, will, unfortunately, prevent the Treasurer and other Toronto Benchers attending the funeral.

“ÆMILIUS IRVING,

“*Treasurer.*”

And had also sent messages to the members of the Bench then in Ottawa asking them to represent the Society at the funeral.

Messrs. Martin and Shepley having been appointed a Committee to draft a resolution of sorrow and condolence with the family of the late Mr. O'Gara, reported the following :—

“That the Benchers of the Law Society of Upper Canada in Convocation assembled desire to express their profound sorrow at the death of their late fellow of the Bench, Martin O'Gara, Q.C., LL.D., whose interment takes place at Ottawa to-day. That Convocation record on the minutes its sense of the loss sustained by the Benchers and the profession generally through the death of Mr. O'Gara, whose professional ability and integrity and conscientious discharge of public duty won general admiration and esteem, and whose uniform courtesy and high personal character earned the warm affection of his professional brethren. That a copy of this resolution be engrossed and transmitted to the widow and family of the deceased with whom the Benchers sympathize in their deep affliction.”

The report was adopted and it was ordered accordingly.

Convocation then ordered that a Call of the Bench be made for Tuesday, the 12th day of September, 1899, for the election of a Bencher to fill the vacancy caused by the death of the late Martin O'Gara, Q.C.

The following gentlemen were then called to the Bar :—W. T. White (with Honours and Gold Medal), F. B. Proctor (with Honours), C. Garrow (with Honours), G. A. Ferguson, R. G. R. Mackenzie, J. G. Stanbury, C. W. Bell, J. W. Crozier, J. B. Dalzell (special case), W. C. Perry (special case). The Gold Medal was presented to Mr. White by the Treasurer.

Ordered that the matters referred to in paragraphs 2 and 3 of the Secretary's circular to the Benchers of May 22nd, 1899, the consideration of which was on June 2nd postponed to the half-yearly meeting, do stand over until the further report of the Legal Education Committee asked for by Convocation shall have been presented.

Ordered that a notice of meeting for such day as the Treasurer shall name be sent to the members of the Special Committee appointed to deal with the invitation to send representatives to the meetings of the American Bar Association and International Law Association, at Buffalo, in August next.

Dr. Hoskin gave notice that on the second day of Trinity Term next, he would introduce for consideration certain amendments to the rules relating to Discipline (Nos. 118 to 127 inclusive) having for their object the extending to the Discipline Committee power to expedite the consideration of complaints.

LAW SOCIETY OF UPPER CANADA.

RESUME OF PROCEEDINGS. TRINITY TERM, 1899.

SEPTEMBER 12, Tuesday.

Present : The Treasurer, Messrs. Aylesworth, Barwick, Bayly, Douglas, Edwards, Kerr, Maclellan, Osler, Ritchie, Shepley, Strathy, and Watson.

Mr. Barwick, from the Legal Education Committee, laid upon the table the Schedule of the Supplemental Examinations to be held during the present Term, also a report upon the applications received for the position of Examiners in the Law School.

Upon reports of the Legal Education Committee, ordered that Mr. J. H. Couch be permitted to write at the First Year Supplemental Examination. That the service under articles of Mr. H. C. Osborne be allowed as sufficient. That the petition of Mr. J. C. Makins for special relief in respect to the fying of his articles and the proofs of his service be granted. That the service of Mr. D. Mills, Jr., be allowed as sufficient. That as to cases of special applications for admission from students who have failed to give the usual notice, upon the notices given by these gentlemen remaining posted until the last day of meeting of Convocation this Term and upon the production of proper certificates of having received their degrees or having passed their matriculation examinations (as the case may be) they be admitted as students-at-law as of Trinity Term, 1899.

Ordered in the case of Mr. J. A. Horning, an applicant for admission, that "Part 2" of his matriculation be allowed, and that upon passing "Part 1" within a year, he be admitted as a student of the matriculant class.

Ordered that the following be admitted as students-at-law in the ordinary course : R. H. Knox, S. A. Dickson (Graduates), W. H. Price (Matriculant).

The Legal Education Committee reported in relation to certain alterations in the Law School First Year Lecture Room, recommending that the work be proceeded with forthwith under the direction of the Principal of the Law School. Ordered accordingly.

The report of the Secretary upon the failure of Mr. Lash to attend the meetings of Convocation was read and referred to the Committee on Journals and Printing.

Convocation, pursuant to the order made in that behalf under which a special Call of the Bench had been issued for this day, proceeded to the election of Benchers. Mr. Colin Macdougall and Mr. F. H. Chrysler were elected.

The Secretary presented a letter from Mr. W. C. Mikel, of 8th September, 1899, enclosing the report of the meeting of the delegates from the County Law Associations, and the same were read ; and upon motion of Mr. Barwick it was ordered :—That the report of the meeting of the delegates from the County Law Associations and the matters involved in Mr. Mikel's communication be referred to a committee consisting of the Chairmen of the Standing Committees, and Messrs. Strathy, Shepley and Barwick, and that the Chairman of the Finance Committee, be the convener thereof.

The letters from Mr. James Bicknell and Mr. J. K. Kerr, Q.C., both dated 9th September, 1899, having relation to the order of Convocation of the 27th June, 1899, on the subject of the admission of Mr. G. M. Gardner as a solicitor, were read, and the said order was also read. The said matters having been considered by Convocation, it was then ordered that Mr. G. M. Gardner be examined in the terms of the Report of the Legal Education Committee of the 24th June last (presented to Convocation on the said 27th of June last), and that the Secretary notify Mr. Gardner to appear to-morrow for examination at 11 a.m.

The letter of Mrs. Ellen Armitage, complaining of the conduct of Messrs. A. & B., solicitors, was read, and from information before Convocation, and having regard to the probable outcome of the investigation, it was ordered that Mrs. Armitage be written to requiring her to furnish the certificate of a Solicitor to shew that her complaint has a reasonable foundation.

The letter of Mr. Henry O'Brien, of the 12th September, 1899, on the subject of the Law School curriculum, and also as to stopping the publication of the Resume of Proceedings, was read. The Secretary was ordered to reply, stating that the Society awaits the further communication which Mr. O'Brien promises to make.

Mr. Watson then, in pursuance of notice given 17th February, 1899, and on 16th May ordered to stand for to-day, moved :—That the Reporting Committee do report to Convocation upon the progress of the work done towards compiling the Digest up to date and, if practicable, submit to Convocation the manuscript as far as it has been prepared, or any part of such manuscript.

Mr. Osler suggested that he would obtain a report from Mr. J. F. Smith as to the condition of the work, whereby an opportunity would be given to members of Convocation to examine the progress of the work.

Convocation deferred the motion until such report was made.

Ordered upon a report of the Legal Education Committee, that the following gentlemen be called to the Bar and do receive their certificates of fitness :—Messrs. D. Donaghy, M. W. McEwen, J. Jennings, J. C. Makins, R. G. Affleck, J. H. Craig, N. H. Peterson, D. Mills, Jr., J. R. Osborne, W. J. Lander, and that Messrs. Donaghy, McEwen and Jennings be called with Honours, and Mr. Donaghy do receive a bronze medal.

Convocation then rose.

SEPTEMBER 13th, Wednesday.

Present: The Treasurer, and Messrs. Aylesworth, Barwick, Britton, Bruce, Clarke, Douglas, Gibbons, Guthrie, Hoskin, Idington, Kerr, Lash, Martin, Maclellan, Osler, Riddell, Ritchie, Shepley, Strathy, Teetzel, and Watson.

The Hon. W. Kerr and Dr. Hoskin, were appointed a Special Committee to examine Mr. George Macgregor Gardner touching his fitness and capacity to act as a solicitor.

The following gentlemen were then called to the Bar :—Messrs. D. Donaghy, with Honours and bronze medal; M. W. McEwen, with Honours; J. C. Makins, N. H. Peterson, D. Mills, Jr., R. G. Affleck, J. R. Osborne.

The following report of the Acting-Secretary was presented :—On the 30th June, 1899, at a meeting of the Special Committee appointed by Convocation to deal with invitations to send representatives to the annual meeting of the American Bar Association at Buffalo, August 28-30, and the conference of the International Law Association at the same place, August 31 to September 2, the following gentlemen were appointed :—

American Bar Association Meeting—The Treasurer and Messrs. Osler and Riddell.

International Law Association Conference—Messrs. Martin, Britton and Barwick.

These gentlemen attended the meetings at the dates mentioned respectively.

The following report of the Acting Secretary was then presented :—On Monday, September 4th, 1899, at 2 p.m., the following gentlemen, delegates to the International Law Association at Buffalo, took luncheon with the Benchers at Osgoode Hall :—The Hon. Sir William Rann Kennedy of the Queen's Bench Division, H.C.J., England; His Honour Judge Raikes; Dr.

Hindenberg, Attorney-General of Denmark ; Dr. Emil Stocquart of Belgium, and the following members of the English Bar and others, namely, Messrs. Joseph Walton, Q.C., J. G. Alexander, G. G. Phillimore, E. Sinclair Cox, Alexander Scott, E. Walton, A. R. Kennedy, J. W. Fearnside, J. Bell White.

Dr. Hoskin and the Hon. W. Kerr, the Special Committee appointed to report upon the fitness and capacity of Mr. George Macgregor Gardner to act as a solicitor, reported :— That the Committee had examined and enquired into the fitness and capacity of Mr. Gardner to act as a solicitor, and that they had found him duly qualified, fit and competent to act as such. Ordered that a certificate under the seal of the Society, of Mr. Gardner's fitness and capacity to act as a solicitor and of his due qualification to be admitted as a solicitor do issue to him.

Dr. Hoskin then, in pursuance of notice given, moved to rescind Rules 118 and 120, and to substitute new rules. The amending rules (which are set out in the proceedings of the 22nd September) were read a first and second time and ordered for a third reading at the next regular meeting of Convocation, or as Convocation might then determine and order.

Convocation then, pursuant to notice as advertised and in accordance with Rule 40, proceeded to the appointment of Examiners, nineteen Benchers then being present, and the following named gentlemen were elected as Examiners, to hold office pursuant to Rule 43, until the last day of Trinity Term, 1902 :—Messrs. Goodwin Gibson, J. A. C. Cameron, W. N. Tilley, and H. E. Rose ; and, pursuant to Rule 159, Mr. Goodwin Gibson, as Senior in date of Call to the Bar, was declared Senior Examiner.

On reports from the Legal Education Committee, ordered that Mr. G. B. McConachie, an applicant for admission as student-at-law, be required to supplement his examination passed in 1899 by passing within the time prescribed by Rule 137 the remaining subjects prescribed for matriculation. That Mr. T. H. Crerar be called to the Bar, but that he be not admitted as a solicitor until after the expiration of his time of service, reckoned from the date of execution of his articles. That Mr. A. F. Healy's proofs of service be accepted as sufficient. That the following gentlemen be called to the Bar and receive their certificates of fitness :—Messrs. C. F. Maxwell, Jr. (with Honours), A. F. Healy, J. S. Lundy. That Mr. A. C. Kingstone be called to the Bar. That Mr. F. K. Johnston be called upon to furnish further explanations. That Mr. R. W. Allen's notice for admission do remain posted until the last day of meeting of Convocation in this term, and that upon production of a proper certificate of matriculation he be admitted.

The following gentlemen were then introduced and called to the Bar :—Messrs. John Jennings and C. F. Maxwell, Jr. (with Honours), also Messrs. A. C. Kingstone, A. F. Healy, W. J. Lander, J. H. Craig, T. H. Crerar, J. S. Lundy.

SEPTEMBER 22nd, Friday.

Present: The Treasurer, and Messrs. Barwick, Hoskin, Ritchie, Shepley, Strathy and Watson.

Dr. Hoskin moved the third reading of the rules to amend the Rules in the matter of Discipline, which had been introduced and had received their first and second readings on 13th September. The Rules were read a third time and passed as follows :—

118. Whenever any complaint shall be made to the Law Society charging any Barrister, Solicitor, Student or Articled Clerk with misconduct as defined by the Act R.S.O. 172, secs. 44 to 47, such complaint shall be reduced to writing and shall be left with the Secretary of the Society who shall at once deliver the same to the Chairman of the Discipline Committee and upon receipt by the said Chairman of the said Discipline Committee, whether Convocation be in

session or not, it shall be competent for the Discipline Committee to proceed to enquire whether or not a *prima facie* case is shewn and to that end the said Committee are hereby empowered to notify the complainant and the party complained against to appear before the said Committee with their witnesses and to compel the production before them of all books and papers relating to the matter and to compel the parties and their witnesses to give evidence concerning the complaint under oath or if the said Committee shall consider it to be unnecessary to call the said parties and their witnesses before them, then to proceed with such enquiry without so doing and the said Committee shall as soon thereafter as convenient report to Convocation whether a *prima facie* case has been shewn and in case Convocation shall be of opinion that a *prima facie* case has been shewn, the matter shall be sent to the Discipline Committee for investigation, and the said Committee shall thereupon send a copy of the complaint to the party complained of and shall notify in writing the complainant and party against whom the complaint has been made of the time and place appointed for such investigation; and the said Committee shall at the time and place appointed proceed with the investigation and shall reduce to writing the statements made and evidence adduced by the parties or of such of them as shall appear pursuant to such notice, and shall submit the same, together with all books and papers relating to the matter, with their views thereon, to Convocation who shall take such action thereon, as to Convocation shall seem just and meet.

120. No Barrister shall be disbarred, nor Solicitor deprived of his certificate, unless so decided at a meeting of Convocation at which not less than ten members are present, by the votes of at least seven of those present.

On reports from the Legal Education Committee ordered that Mr. F. K. Johnston be called to the Bar, subject to explanation as to what seems to be a clerical error as to the date in one of his papers submitted.

That the following gentlemen be called to the Bar and receive their certificates of fitness :— Messrs. G. B. Henwood, Anson Spotton, H. C. Osborne, and that the following be called to the Bar :—J. A. Thompson and W. A. Chisholm. That Messrs. C. A. R. Dulmage and A. Macdonald be, under the circumstances stated, permitted to attend the lectures of the Second Year at the session next ensuing, and that Mr. F. L. Davidson be, under the circumstances stated, permitted to attend the lectures of the Third Year at the session next ensuing. That the following gentlemen, whose notices for admission have remained duly posted as ordered and who have furnished the necessary certificates of having taken their degrees or having matriculated, be admitted as students-at-law as of Trinity Term, 1899 :—Louis Kinnear, Wilford Forbes, Robert G. Hunter, H. W. McLean (Graduate Class), N. G. Heyd, N. McColl, H. B. Johnson, R. W. Allen, J. B. Bartram, J. M. Ferguson (Matriculant Class). That Mr. H. F. Williams be admitted as a student of the matriculant class as of Trinity Term upon production of proper certificates of his matriculation within two weeks. That the notices given by Mr. T. H. Warren and Mr. W. Johnston, do remain posted until next Term, and that upon no objection appearing in the meantime they be admitted as of Trinity Term, 1899. That Mr. R. Parmenter be admitted upon production of his degree from Trinity College within two weeks. That in the cases of certain other gentlemen candidates for admission who have deposited their fees and have given due notice for admission they be admitted as of Trinity Term upon production of their certificates of degree or matriculation, as the case may be, within two weeks.

The letter dated 16th September, 1899, from Mr. J. F. Smith, addressed to Mr. Osler, Chairman of the Reporting Committee, and forwarded by him to Convocation was then read. Ordered that the consideration of the report by Mr. Smith be deferred until the next meeting

of Convocation with the view of obtaining some more particulars as to certain matters referred to in the report and also of being advised as far as practicable of the system being pursued in the course of the digesting and that the Chairman of the Reporting Committee be requested to direct Mr. J. F. Smith to arrange at an early day for an appointment to be given to Benchers to inspect the work done.

Ordered that Mr. F. H. Chrysler be appointed a member of the Committee on Journals and Printing and of the County Libraries Committee.

The report of Mr. Eakins, Inspector of County Libraries, having been forwarded by Mr. Martin, Chairman of the County Libraries Committee, was read as follows :—

To the Treasurer and Benchers of the Law Society in Convocation :

I beg to present my report, for the year 1899, upon the condition of the libraries of the County Law Associations.

I inspected the following Libraries during the past summer :—Brant, Bruce, Carleton, Elgin, Essex, Frontenac, Hamilton, Hastings, Huron, Leeds and Grenville, Lindsay, Middlesex, Norfolk, Oxford, Perth, Peterborough, Simcoe, Waterloo, Welland, Wellington, York.

I did not inspect the Library of the County of Grey Association at Owen Sound. At the time of my visit to that part of the Province a new roof was being put on the Court House, and the books had been temporarily removed to other rooms in the building.

Having learned that the County of Ontario Association had shewn no signs of life during the year, I thought it useless to visit the library at Whitby, but will do so, if so instructed.

I am glad to be able to report that, with few exceptions, the condition of the other libraries continues to be quite satisfactory. The chief fault that I have to find is that in a number of instances sufficient attention is not paid to the matter of keeping the rooms clean and tidy.

As the duty of cleaning all offices and rooms in Court Houses is imposed by statute upon the keepers thereof, the Associations have the right to, and should insist upon the proper performance of this duty.

At Hamilton the City and County Councils have recently renovated the library room, and the new metallic ceiling and freshly painted woodwork present a smart appearance, which contrasts very strongly with that of such a dingy and cheerless room as that, for instance, in which the library at Kingston is located. At St. Thomas, owing to the resignation of Miss Miller, a new librarian, Miss McCartney, was appointed early in the year, and from what I saw of her work and her anxiety to learn methods of making herself useful, I am convinced that the Association is fortunate in having secured her services. I am informed that the room provided for the Library in the new Court House, now about completed, will be suitable and convenient in every way.

In conclusion, I may repeat what I have said in former reports, that the successful associations are, as a rule, those in which some one member makes the interests of the institution his particular care; and where, as in the cities, a permanent librarian is appointed, the usefulness of the libraries is greatly increased and the purposes of the institution so much the better carried into effect.

All of which is respectfully submitted.

W. GEO. EAKINS, *Inspector.*

September 12th, 1899.

Ordered that the Chairman of the County Libraries Committee be requested to have the Library of the County of Ontario Law Association inspected at once and its condition reported to Convocation.

The following gentlemen were then introduced and called to the Bar :—Messrs. Anson Spotton, J. A. Thompson, G. B. Henwood, W. A. Chisholm, and H. C. Osborne.

Ordered that the Journals Committee be requested to lay before Convocation at its next meeting a copy of all amendments made to the Rules of the Law Society subsequent to the last consolidation and that the Legal Education Committee be requested to lay before Convocation at its next meeting a copy of any resolutions or reports which have been adopted relative to the government of the Law School which are now in force.

Ordered that the advertisement in relation to the appointment of Reporters under the rule, on the last day of Michaelmas Term 1899, be published as usual, subject to the approval of the Treasurer, and that the same be inserted once in the "Globe" and "Mail" newspapers two weeks before Michaelmas Term.

Convocation rose.

Law Society of Upper Canada.

OSGOODE HALL,

30th October, 1899.

MEMORANDUM.

The attention of applicants for the offices of Editor and Reporters is drawn to the following Rules of the Law Society of Upper Canada.

37. There shall be the following salaried officers of the Society :—

(2) An Editor of the Reports.

(3) A Reporter for the Court of Appeal for Ontario, four joint Reporters for the High Court of Justice for Ontario, and one Reporter on decisions on matters of Practice, both in the Court of Appeal and in the High Court.

38. The officers above mentioned shall perform all such duties as may be assigned to them respectively by the Rules of the Society, or by any special orders of Convocation.

39. All offices in the gift of the Law Society or of Convocation shall be held during the pleasure of Convocation.

42. In case the pleasure of Convocation be not earlier determined, no Editor or Reporter shall hold office for more than three years from the time at which his appointment takes effect, but every Editor and Reporter shall be eligible for reappointment.

46. No person who is a member of a firm of which one or more of the members are Benchers shall be eligible to hold any office in the gift of the Society, but this shall not apply to any person now holding any office during the currency of the term for which he holds his present appointment.

47. No officer or his representatives shall, on his ceasing by death, resignation, retirement, or otherwise to be in the service of the Society, have any claim whatever to any gratuity or retiring or superannuation allowance out of the funds of the Society.

48. The salary of the Editor shall be two thousand dollars per annum.

49. The salaries of each of the Reporters for the Court of Appeal and High Court shall be twelve hundred dollars per annum.

51. The salary of the Reporter of decisions on matters of Practice shall be nine hundred dollars per annum.

52. The salaries of the respective Reporters shall be payable monthly, but not without a certificate of the Editor that the work of the Reporter has been done to his satisfaction.

98. The Reporting Committee shall see that the duties of the Reporters are discharged, and that the Reports are published in accordance with the Statutes and the Rules of the Law Society relating thereto, and shall report any default to Convocation.

103. It shall be the duty of the Editor to determine what decisions ought to be published, to peruse and settle the reports thereof prepared by the Reporters, and to superintend the preparation and publication of such decisions. He shall also make such arrangements with the Judges and officers of the Courts that a report of all important decisions may be secured, and he shall oversee the whole work of reporting, so as to secure its efficient and prompt execution.

104. The Reporters shall, under the direction of the Editor, attend the Courts personally, and shall prepare a report of each important case, including the arguments of counsel, the authorities cited, and the judgment (whether oral or written), and shall furnish the same without delay to the Editor.

105. The Reporters shall, under the direction of the Editor, deliver the reports in fair legible manuscript to the printers, read and correct the proof, and see them through the press with despatch.

106. The Reporters shall prepare and furnish short notes of all important decisions for early publication, under such regulations as may from time to time be made by Convocation.

107. Every report shall state the short style of the action or proceeding, the Judge or Judges who presided, the Counsel and Solicitors for the parties, and the date of the argument, and of the judgment.

108. (1) In case of the unavoidable absence of any of the Reporters, from illness or any other sudden or necessary cause, during any of the sittings of the Courts, it shall be competent for the Reporter so absent, with the assent of the Treasurer, to appoint a Barrister-at-Law to report the judgments to be reported by such Reporter.

(2) The Reporter so appointing a substitute shall be responsible for the due discharge of his duties by his nominee.

109. The Benchers in Convocation may grant leave of absence to any Reporter for such periods, and under such restrictions and conditions for ensuring the due performance of the duties of the office during such absence, as to the Benchers may seem expedient.

110. The reports shall be issued in three series, in volumes to be numbered consecutively. The first series shall consist of decisions of the Court of Appeal, and shall be called "The Ontario Appeal Reports"; the second shall consist of decisions of the High Court of Justice, and shall be called "The Ontario Reports"; and the third shall consist of decisions in the Court of Appeal and in the High Court of Justice, on questions of practice, and shall be called "The Ontario Practice Reports."

111. The Appeal and Practice Reports shall respectively be issued as nearly as possible in monthly numbers, and the Ontario Reports in semi-monthly numbers, but so that no case shall remain unpublished for more than two months after judgment, and the volumes shall be of the same size, and in the same style as heretofore, with index and digest.

112. (1) The Reporters of the Court of Appeal and of the High Court of Justice shall report Election decisions under the direction of the Editor.

(2) This work shall be distributed among the Reporters, as they may arrange between themselves or as may be prescribed by the Editor before the trials.

113. It shall not be necessary for the Reporters to attend trials, personally; but they shall procure from the Judges, Registrars, Counsel, and short-hand writers, engaged in the respective trials, the materials for reports.

114. The Practice Reporter shall prepare reports of all decisions on questions of practice on Election cases pronounced elsewhere than at trials.

115. Election decisions, including those on points of Practice, shall be published in volumes as may be directed by the Editor, with the approval of the Reporting Committee.

116. The Editors and Reporters shall prepare and publish a Triennial Digest of the Reports published by the Society, including appeals from Ontario to the Supreme Court of Canada, and the Privy Council. The materials for the Digest shall be prepared *pari-passu* with the Reports, so that it may be published promptly at the end of each triennial period.

117. In the event of any Reporter being requested by any person to furnish a copy in writing of any Judgment delivered in the Court of which he is the reporter, before the publication thereof as hereby required, it shall be the duty of such Reporter to furnish such copy in writing to the person demanding the same with as convenient despatch as possible, upon receiving the sum of ten cents per folio of one hundred words of such Judgment, which sum, and no more, such Reporter is hereby authorized to charge and receive; but no such charge shall be made for the copy of any such Judgment which it has been determined ought to be published after the expiration of two months from the delivery thereof, and if not previously published, such copy shall be then furnished *gratis* by such Reporter to the party demanding the same.

Subject to the foregoing Rules, the tenure and duties of the offices of Editor and Reporters will begin on the last day of Michaelmas Term, 1899, and terminate on the last day of Michaelmas Term, 1902.

HERBERT MACBETH,
Secretary, L.S.U.C.

LAW SOCIETY OF UPPER CANADA.

MICHAELMAS TERM, 1899.

TUESDAY, 21st November.

Present: The Treasurer and Messrs. Barwick, Bayly, Edwards, Guthrie, Lash, Robinson and Shepley.

There was laid on the table the Schedule of the Law School Examinations to be held before Christmas, 1899.

On reports from the Legal Education Committee, ordered that Mr. A. C. Kingstone's service be allowed. That the following gentlemen be allowed their first year examination:—O. M. Biggar, J. H. Couch, F. A. Clement, A. T. Essery, A. H. Monteith, K. Langdon, J. A. Supple, D. G. White, that Mr. W. S. West be allowed his second year examination, that Mr. J. H. Addison be allowed his third year examination. That the following gentlemen be admitted as students-at-law as of Trinity Term, 1899. Graduate Class:—F. W. Halliday, R. H. Parmenter, N. Somerville. Matriculant Class:—J. M. Crerar, W. Johnston, W. S. Lane, J. E. Swinburne, T. H. Warren, H. F. Williams. Ordered that the following gentlemen be called to the Bar:—Messrs. R. C. McNab (with Honours), G. H. Gauthier, A. B. Drake, O. de Laplante, F. K. Johnston and J. H. Addison, and that Messrs. R. C. McNab, G. H. Gauthier, A. B. Drake, A. C. Kingston, W. A. Chisholm, J. A. Thompson, O. de Laplante and J. H. Addison do receive their certificates of fitness. That Mr. J. W. Graham, who passed the third year examination in Easter, 1894, be called to the Bar.

Mr. Lash moved that Rule 137 be amended by inserting after the word "being" in the fourth line the words "or a certificate of having matriculated in such University within such period of four years." By general consent the said amendment was read three times and passed. Ordered, then, upon a report of the Legal Education Committee that Messrs. J. M. Warner, M. G. Hunt, J. A. Horning and G. B. McConachie, be admitted as students-at-law of the Matriculant Class as of Trinity Term, 1899.

Mr. Lash then, leave having been granted, moved that Rule 138 be rescinded. By general consent a rule to rescind Rule No. 138 was then introduced and read three times and passed. Mr. Lash moved for leave to introduce a rule to be numbered 180a as follows:—"An examination shall be held in the first year before the Christmas vacation on such subjects or parts of subjects previously lectured on as the Principal shall assign, one paper being set in each subject. Such examination shall form part of, and the results shall be taken into account in the May examination, at which examination students shall be subject to examination on the whole work of the year." By unanimous consent the above rule was read three times and passed.

The Secretary reported:—That Mr. John Bell, Q.C., has failed to attend the meetings of Convocation for three terms, namely, Hilary, Easter and Trinity Terms, 1899. The report was referred to the Committee on Journals and Printing.

Mr. Barwick on behalf of the Committee on Journals and Printing, in pursuance of the direction of Convocation made 22nd September, 1899, presented a report laying before Convocation a copy of the Rules of the Society printed in 1896, shewing the several amendments since made therein, and asked leave on behalf of the said Committee to present at some future meeting of Convocation draft rules in accordance with the report.

Ordered that Mr. Walter George Fisher and Mr. Clement Roland Hanning, who are solicitors of over ten years' standing, be called to the Bar in pursuance of the statute 57 Vict. cap. 44.

The petition of Mr. A. F. Welby-Solomon, a member of the Bar of Manitoba, praying for call to the Bar of the Province of Ontario, was referred to the Legal Education Committee for report.

Ordered that a grant of \$25 in aid of the Law School Students' Football Club be made as prayed by them, the understanding of Convocation being that the gentlemen who form this association are limited to students who are members of the Law Society.

The following gentlemen were then introduced and called to the Bar :—Messrs. R. C. McNab (with Honours), G. H. Gauthier, A. B. Drake, O. de Laplante, F. K. Johnston, J. H. Addison, W. G. Fisher.

WEDNESDAY, 22nd November.

Present : The Treasurer and Messrs. Douglas, Hoskin, Ritchie, Robinson and Shepley.

A report was presented from the Discipline Committee upon the complaint of Mr. Charles Clarke against Messrs. X and X, recommending that the complainant be informed that if entitled to relief he can obtain the same upon application to the Courts, and that as the Courts are open to him, the Society should not at this stage entertain the complaint. The report was adopted, and the Secretary was ordered to transmit a copy to the complainant's solicitors.

Mr. C. R. Hanning, a Solicitor of ten years' standing, was called to the Bar.

FRIDAY, 8th December.

Present : The Treasurer and Messrs. Aylesworth, Bayly, Bruce, Chrysler, Hardy, Hogg, Idington, Lash, Martin, Riddell, Ritchie, Robinson, Shepley, Strathy, Watson and Wilkes.

A letter of Mr. J. R. Code relating to charges for conveyancing was read. The Secretary was directed to reply that there does not appear to be disclosed any contravention of any matter of which the Law Society can take cognizance.

A letter dated 1st December, 1899, from the State Librarian of Nebraska was referred to the Library Committee for consideration and report.

Ordered upon a report from the County Libraries Committee that the County of Ontario Law Association be paid the sum of \$190.50 in respect of the annual grants to which they would have been entitled for the period between the 1st of January, 1892, and the 31st of October, 1899, and that Mr. Eakins be paid the sum of \$200 for his services as Inspector of County Libraries for 1899.

Mr. Bruce from the Committee on Journals and Printing, reported in the case of Mr. Lash that they are satisfied by the evidence of Mr. Lash and the Secretary that Mr. Lash did attend the meeting of Convocation on 7th February, 1899, and that he has not failed to attend the meetings of Convocation for three consecutive terms, and his seat, therefore, has not become vacant. In the case of Mr. Bell, that according to the minutes of the Society he failed to attend the meetings of Convocation for three consecutive terms, namely, Hilary, Easter and Trinity Terms, and that his seat is for that cause vacant. The reports were adopted, and in the case of Mr. Bell ordered that same be taken into consideration on the first day of meeting in Hilary Term, 1900.

Ordered upon a report of the Legal Education Committee that Mr. H. S. Hewitt be admitted as a student-at-law as of the present term, and that upon attending the three years of the Law School, commencing in September, 1900, and complying with all requirements, and shewing three years' service under articles from 1st January, 1900, until the end of the three years, the necessary length of service under his former articles be allowed him to make up the term of

five years. That Mr. H. R. Smith's service be allowed, and the lateness of his notice for call waived, that Mr. F. K. Johnston's service be allowed, that Mr. L. W. Brown be called to the Bar and admitted a Solicitor, that Mr. Hoyles, the Principal of the Law School, be permitted to comply with a request from the Faculty of the School of Comparative Jurisprudence and Diplomacy, Columbia University, Washington, that he should deliver a course of lectures on the general jurisprudence of Canada and her relations to England, also a general view of the jurisprudence of England and her colonial empire.

Convocation then proceeded to the appointment of Editor and Reporters for the period of three years, terminating with the last day of Michaelmas Term, 1902. Mr. J. F. Smith was appointed Editor, Mr. R. S. Cassels was appointed Reporter of the Court of Appeal, Messrs. G. F. Harman, Geo. A. Boomer, A. H. F. Lefroy and E. B. Brown were appointed as joint Reporters of the High Court of Justice, and Mr. T. T. Rolph was appointed Reporter of decisions in matters of practice.

Mr. Strathy, on behalf of the Special Committee appointed on the 12th day of September, 1899, in relation to matters involved in the communication from the County Law Associations, presented the Committee's report as follows :—The Special Committee, consisting of the Chairmen of the Standing Committees and Messrs. Barwick, Shepley and Strathy, to whom were referred the report of the meeting of the delegates from the County Law Associations and the matters therein involved, begs to report as follows :—

The matters so referred are stated in certain resolutions carried at the meeting of delegates above referred to, and which resolutions are as follows :—

1. "That the Committee of Benchers of the Law Society on County Law Library Associations be requested to take such steps as are necessary to obtain the permission of the Law Society to the members of the various County Law Library Associations of the Province to deduct from the annual fee payable to the Law Society the amount of the annual fee actually paid by each member to the respective associations to the extent of \$5."

2. "That the Law Society be requested to take steps to procure the Dominion and Ontario Provincial Statutes for the Profession, and also arrange for the publication of a work on Practice from time to time as the needs of the Profession require, to be supplied at actual cost."

3. "That the Law Society be requested to devise a scheme for making the Law School self-sustaining."

To determine in what manner the Committee should deal with the above matters an examination of the financial affairs of the Society is necessary, and such examination shews the following to be the case :—

During the last five years (1894 to 1898 inclusive) the total disbursements of the Society have exceeded the receipts by about \$6,000.

With reference to this deficiency it must be borne in mind that the receipts include the sum of \$6,600 received from Solicitors called to the Bar under 57 Vict. cap. 44; any further receipts from this source will be very trifling.

The Society has also undertaken the publication of the "Century Digest," involving the probable expenditure (which must all be taken from capital account) of about \$30,000, and which digest the Society desires to supply to practitioners at much less than actual cost, but from the sale of which, though the expense of same must be borne by the Society as the work progresses, no return can be had for several years.

The Committee observes also that the amount received by the Society from interest has greatly decreased during the past five years, such diminution in income being caused wholly by withdrawals of money from capital account for the actual needs of the Society, and the reduction in the rates of interest.

It appears also that the Society has made grants to the various County Law Library Associations throughout the Province during the last five years (irrespective of non-interest bearing loans to various associations) to the extent of about \$23,000, also that the Supreme Court Reports now supplied free to practitioners have involved for five years past expenditure by the Society of over \$12,000.

Such being the financial position of the Society, and as the proposal made would necessarily involve a large additional annual expenditure or loss of income, the Committee is compelled to report against compliance with the request which has been made to reduce the annual fees.

The Committee is also of the opinion that in view of the recent publication of a book of Practice, which is now accessible to all practitioners throughout the Province, and of the possibility of changes being at any time made in the practice of the Courts, it would be unwise for the Society to undertake the publication of a work that must be more or less of a speculation, and which would not, unless there was a very radical change made in the procedure of the Courts, be in demand for many years.

Your Committee also is not at all assured that the Society could produce a work of Practice at a cost appreciably less than the price now paid to the publishers of the recent work above referred to.

Your Committee would suggest as the Law Society can by subscribing for a large number of volumes obtain the Dominion and Ontario Statutes at or near the cost price, that both such statutes should be supplied at a cost of \$2 per year to any Solicitor desiring the same and who signifies such desire by paying during Michaelmas Term with his annual fee, said sum of \$2. To do this will entail considerable expenditure by the Society.

Your Committee finds that the deficiency occasioned by the establishment and carrying on of the Law School is not so great as might from a cursory examination of the matter appear, but your Committee, looking at the state of the finances of the Society, and considering the fees charged by the Medical and other technical schools of a character similar to that of the Law School, is of the opinion that the time has come when the fees to students attending the Law School should fairly be increased to the sum of \$40 per yearly term on and after the 1st day of September, 1900, and for the two following yearly terms, instead of \$25 as at present, and that thereafter, namely, on and after the 1st day of September, 1903, the yearly term fee be \$50.

Dated this 7th day of December, 1899.

(Sgd.), H. H. STRATHY, *Chairman*.

The report was adopted.

The Secretary was ordered to issue a circular to each member of the profession, enquiring if such member desires to remit to the Law Society the sum of two dollars in order that the Dominion and Provincial Statutes may be furnished to him through the Law Society.

The following gentlemen were then introduced and called to the Bar:—Messrs. J. W. Graham, H. R. Smith, L. W. Brown.

The petition of the Lecturers and Students in attendance at the Law School asking the Benchers to take prompt and effective steps to remedy the evils arising from the defective ventilation of two of the lecture rooms was presented. Ordered that such petition be referred to the Finance Committee to deal with same, and to make such changes as are necessary; and that Mr. Lash be requested to act with the Finance Committee in such matters, with power to him as though a member of such Committee.

Convocation then rose.

HILARY TERM, 1900.

TUESDAY, February 6th, 1900.

Present : the Treasurer, and Messrs. Aylesworth, Barwick, Bayly; Bruce, Chrysler, Gibbons, Guthrie, Hoskin, Idington, Lash, Martin, Maclellan, Osler, Riddell, Ritchie, Shepley, Strathy, Teetzel and Wilkes.

Mr. Lash, on behalf of the Legal Education Committee presented their report on the Examinations of the Second and Third Years in the Law School held before Christmas, 1899, which was received.

Ordered upon reports of the Legal Education Committee : That the petition of Mr. A. F. Welby-Solomon for call to the Bar be refused, his case not coming within the spirit of the Rules relating to the call of Barristers from other Provinces of the Dominion of Canada. That upon Mr. J. C. MacMurchy attending regularly the lectures of the first year for the remainder of the present session to the satisfaction of the Principal and passing the first year's examination at the end of the term, his non-attendance at the first year's lectures for the first half of the session and his absence from the examination of the first year be excused. That Messrs. W. T. Goodison, V. McNamara, and E. C. Sanders be called to the Bar and that the same gentlemen with the addition of Mr. T. H. Crerar do receive their certificates of fitness as Solicitors.

Mr. Lash, from the Legal Education Committee, further reported, recommending an increase of \$150 each per annum to the salaries of the Examiners. The report was adopted, and Mr. Lash asked leave to introduce a rule to amend Rule 57, and that the rules be suspended for that purpose, and upon leave being granted moved :—That Rule 57 be repealed and the following substituted therefor : “ 57. The salary of the Senior Examiner shall be four hundred and fifty dollars per annum, and of each of the other Examiners four hundred dollars per annum.” The amending rule was read a first and a second time and ordered for a third reading at the next meeting of Convocation.

Ordered, that Mr. G. W. Hatton, a Solicitor of over ten years' standing, be called to the Bar.

The following gentlemen were then introduced and called to the Bar :—Messrs. G. W. Hatton, W. T. Goodison, V. McNamara and E. C. Sanders.

Mr. Strathy presented a report from the Library Committee, accompanied by the Librarian's annual report upon the state of the Library. (The report has been printed and distributed to the profession with the law reports.)

Upon a report of the Committee on Journals and Printing, a Special Call of the Bench was ordered for Friday, the 16th instant, to elect a Benchman in the place of Mr. John Bell, who had failed to attend the meetings of Convocation.

The letter of Mrs. Ellen Armitage was read, and the Secretary was ordered to reply, calling attention to the letter which had been sent her in answer to her former communication.

The complaint of Mr. W. J. Clark against Mr. C. D. was read and referred to the Finance Committee to investigate and give directions, with the view of taking proceedings.

The letter of Mr. F. J. Travers, dated the 5th February, 1900, as to the reconsideration of the order of Convocation suspending him from practice, was read. Ordered, that the Secretary do reply that Convocation does not think it proper to reduce the period of suspension under which Mr. Travers is now debarred from practising his profession.

Mr. Osler informed Convocation that the work on the digest in its present condition will be placed in the Secretary's office to-morrow, 7th instant, at 10.30 a.m., for inspection by members of Convocation.

Mr. Martin, from the County Libraries Committee, reported in relation to a resolution which had been forwarded by the Secretary of the County of York Law Association, passed at the meeting of that Association on 29th January last, "That the moving of the library of the Association to the new civic buildings be referred back to the officers of the Association for further consideration, with the expression of opinion that it would be better to retain the library in the lower part of the city, where it could be more conveniently used by the members." The report recommended:—That the request contained in the said resolution be not granted, it being considered of first importance that the books of the library should be accessible at all times for use in the Courts. The report was adopted.

WEDNESDAY, February 7th.

Present: The Treasurer, the Attorney-General (Hon. J. M. Gibson), and Messrs. Aylesworth, Barwick, Bayly, S. H. Blake, Gibbons, Lash, Osler, Riddell, Ritchie, Shepley, Strathy and Watson.

The rule to amend Rule No. 57, which had received its first and second readings yesterday, was read a third time and passed.

Ordered, upon a report of the Legal Education Committee, that with respect to the Examinations of the Second and Third Years of the Law School, held at Christmas, 1899, the former practice of combining the results of these examinations with the results of the examinations held at the close of the School session be followed, and that the operation of the change effected by the rule of the 28th June, 1898, whereby it was ordered that the Christmas Examinations should be independent and complete in themselves, so far as pass students are concerned, be suspended.

Mr. Osler gave notice that he would at the next meeting of Convocation move that Rule No. 57, as amended and as read a third time to-day, be rescinded.

Ordered, that a Committee to consist of Messrs. Osler, Ritchie and Watson be appointed to examine the Act respecting the Law Society and report upon any amendments thereto which in the opinion of the Committee may be desirable.

FRIDAY, February 16th.

Present: The Treasurer, and Messrs. Aylesworth, Barwick, Bayly, Bell, Britton, Bruce, Clarke, Douglas, Edwards, Hoskin, Idington, Lash, Martin, Osler, Riddell, Ritchie, Shepley and Watson.

Mr. John Bell, Q.C., was elected a Benchler to fill the existing vacancy.

Dr. Hoskin, from the Discipline Committee, reported upon the complaint of Mr. E. L. Torsch against Mr. A. B.:—That the Committee find that this complaint is not a matter for investigation by the Society, and recommend that the Secretary inform the complainant to that effect, and that if aggrieved the Courts are open to him. Ordered accordingly.

The letter, dated 7th February, 1900, from Mr. A. F. Welby-Solomon to the Secretary, was read. Ordered, that Mr. Welby-Solomon be answered by furnishing him with a copy of the report of the Legal Education Committee upon his case, and that he be informed that the decision of Convocation was final upon the matter before it.

Mr. Watson, from the Finance Committee, presented the statement of receipts and disbursements of the Law Society for the year ending 31st December, 1899; also the estimate of the receipts and disbursements for the ensuing year. The annual statement was ordered to be printed and distributed to the profession.

Mr. Osler then, pursuant to notice given, moved :—That Rule 57, which was read a third time and passed at the last meeting, be amended by substituting the words “three hundred and seventy-five” for “four hundred and fifty,” and the words “three hundred and twenty-five” for “four hundred.” The motion was declared lost on a division.

Mr. Osler, from the Special Committee appointed at the last meeting of Convocation to examine the Act respecting the Law Society and report upon any amendments thereto which in the opinion of the Committee may be desirable, presented a draft of a Bill to be introduced into the Legislature of Ontario at its present session.

The report was adopted, and the Legislative Committee ordered to have charge of the same for introduction into the Legislature, including power to ask for the withdrawal of the same if they deem proper, and to consent to alterations not changing the substance.

Mr. Watson moved that the resolution and order of Convocation for the publication and issue of a Century Digest be rescinded, and that the work should be discontinued, and instead thereof a five years' digest should be published.

The Treasurer deemed that the above motion was not in order. Mr. Watson then desired that the same do stand as a notice of motion for the first day of meeting of Convocation in Easter Term next.

Mr. Douglas called the attention of Convocation to the fact that Mr. J. A. Tremblay is applying to the Legislature to be admitted to practice in this Province. It was ordered that the matter of Mr. Tremblay's application be referred to the Legal Education Committee, with power to act and retain Counsel to oppose the application.

Moved by Mr. Edwards, seconded by Mr. Clarke :—That the Committee on the Minutes be requested to consider and carry out arrangements for the prompt publication of the minutes of Convocation.

Ordered that the application of the Bar Association of Rainy River for an initiatory grant do stand referred to the County Libraries Committee, and that upon that Committee finding and reporting that all conditions have been complied with, the Finance Committee may authorize the immediate advance of not more than \$300 on account of the usual grant, without awaiting the action of Convocation on such report.

STATEMENT OF

Receipts and Expenditure

OF THE

LAW SOCIETY

For the year ending 31st of December, 1899.

PURSUANT TO R. S. O. (CHAPTER 172, SECTION 53).

The figures on the left are the corresponding items for the year 1898.

RECEIPTS.

1898		1899
	Solicitors' Certificates :	
	Paid after the beginning of the year,	
	but payable the Michaelmas pre-	
\$ 3,192 75	vious	\$ 3,881 00
561 00	Fines Collected	369 00
432 00	Fees and Fines in arrear prior to the	
	preceding Michaelmas	993 30
21,915 00	Payable in Michaelmas of the current	
	year	22,425 00
\$26,100 75		\$27,668 30
	Barristers' Annual Fees :	
	Paid after the beginning of the year,	
	but payable the Michaelmas pre-	
\$ 458 00	vious	\$ 548 00
132 00	In arrear prior to the Michaelmas of	
	the preceding year	180 00
2,804 00	Payable in Michaelmas of the current	
	year	2,906 00
3,394 00		3,634 00
206 00	Notice Fees	192 00
\$2,600 00	Students' Admission Fees	\$3,350 00
250 00	Less Fees returned	200 00
2,350 00		3,150 00
149 00	Fees on Petitions and Diplomas	123 00
\$3,510 00	Law School Tuition Fees	3,687 50
25 00	Less Fees returned	
3,485 00		
5,440 00	Solicitors' Examination Fees	3,700 00
	Less Fees returned	180 00
		3,520 00
	Call Fees under 57 Vict. cap. 44 and	
\$ 400 00	other Cases	\$1,100 00
9,160 00	Call Fees in Ordinary Cases	6,320 00
		7,420 00
	Less Fees returned	100 00
9,560 00		7,320 00
\$50,684 75	Carried Forward	\$49,294 80

\$50,684 75	Brought forward	\$49,294 80
304 30	Receipts from Sales of Reports	416 30
122 80	“ “ “ Ontario Digest	47 25
	County Library Loans returned :—	
\$100 00	Hamilton	\$100 00
30 00	Essex	66 00
16 00	Norfolk	16 00
34 50	Peterboro'	34 50
10 80	Bruce	10 80
18 00	Grey	18 00
.....	Perth	32 50
209 30		277 80
60 21	Commission on Telegraph Messages	62 23
2,897 18.	Interest and Dividends	2,625 63
2 60	Fines in respect of Students' Lending Library	3 50
0 90	Unforeseen	0 65
175 00	Grant from Ontario Government in aid of Telegraph and Telephone Service	175 00
<u>\$54,457 04</u>	Grand Total	<u>\$52,903 16</u>

EXPENDITURE.

REPORTS :—

\$4,003 92	Printing Reports, and notes of Cases	\$5,172 41
	Salaries :—	
\$2,000 00	Editor	\$2,000 00
1,200 00	Reporter, Q. B. D.	1,200 00
1,200 00	“ C. P. D.	1,200 00
1,200 00	“ Chy. D.	1,200 00
1,200 00	“ “	1,200 00
1,000 00	“ Court of Appeal .....	.....
1,200 00	“ “	1,200 00
900 00	“ Practice Cases	900 00
9,900 00		\$8,900 00
<u>\$13,903 92</u>		<u>\$14,072 41</u>

COST OF CONSOLIDATED DIGEST :—

	Amount paid to the Editor-in-Chief, Mr. J. F. Smith, as progressive payments on account of the com- pilation	\$2,500 00
\$1,250 00	Stationery and Material	20 00
243 10		
1,493 10		2,520 00

LAW SCHOOL :—

	Salaries :—	
\$5,000 00	Principal	\$5,000 00
6,000 00	Four Lecturers at \$1,500 each ...	6,000 00
1,050 00	Salaries of Examiners	1,050 00
<u>\$12,050 00</u>		<u>\$12,050 00</u>
\$15,397 02	Carried forward	\$16,592 41

\$15,397 02	\$12,050 00	Brought forward	\$12,050 00	\$16,592 41
	260 00	Scrutineers at Examinations.....	302 50	
	512 15	Printing and Stationery	373 05	
	934 91	Scholarships and Medals	768 51	
		Caretaking, Light, Heating, Furni- ture and Maintenance.....	1,021 44	
	1,173 65			
\$14,930 71	-----		-----	\$14,515 50

LIBRARY :—

4,224 27	Books	4,238 89
405 88	Binding and Repairs	338 20
206 93	Maintenance, including Stationery ..	206 12

Salaries :—

	\$1,800 00	Librarian.....	\$1,800 00
	1,000 00	Asst. Librarian...	1,000 00
		Attendants during evenings.....	181 50
	2,973 25		2,981 50
7,810 33	-----		-----
			7,764 71

LAW COSTS :—

	\$100 00	Solicitors' Allowance ..	\$100 00
	307 78	Taxed Costs and Counsel Fees	419 30
407 78	-----		-----
			519 30

695 20	TELEGRAPH AND TELEPHONE OFFICE	695 20
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LIGHT, HEATING, WATER, GROUNDS,
AND INSURANCE :—

	890 00	Payment to Ontario Government for Steam Heating.....	\$890 00
	463 05	Lighting	511 03
	93 80	Heating	138 29
	71 20	Water	104 60
	1,021 80	Grounds	1,019 65
	18 70	Insurance on Law School .....	.....
	.....	Insurance on Library	264 10
		Rent of Safe Deposit Drawer for Inventories	8 00
	12 00		
2,570 55	-----		-----
			2,935 67
658 16		ADDITIONS, ALTERATIONS, REPAIRS AND FURNITURE.	1,550 62
\$12,469 75		Carried forward	\$44,573 41

\$42,469 75

Expenditure—Brought forward..... \$44,573 41

COUNTY LIBRARIES AID :—

Annual Grants.

\$86 34	Brant	\$122 00
48 00	Bruce	42 00
470 00	Carleton	440 00
130 34	Elgin.....	115 34
148 67	Essex	161 66
113 34	Frontenac.....	106 00
96 67	Grey	105 00
532 50	Hamilton	527 50
121 44	Hastings	121 44
205 00	Huron	193 34
175 67	Leeds.....	185 34
161 67	Lindsay.....	178 34
545 00	Middlesex.....	492 50
60 00	Norfolk.....	55 00
	Ontario	190 50
330 84	Oxford	173 34
106 67	Perth.....	107 00
163 00	Peterborough	163 00
112 67	Simcoe	134 00
72 50	Waterloo	110 00
	Welland	67 50
190 00	Wellington	170 00
800 00	York	800 00

\$4,670 32
18 75

\$4,760 80

Books and Current Digest.....
Payment to Inspector, being his
fees for two years..... 400 00

Initiatory Grants.

.....
Kent..... 500 00
4,689 07..... 5,660 80

Loans :—

\$360 00	Essex.....	.....
325 00	Perth.....	.....
.....	Leeds.....	\$525 00	
.....	Lindsay.....	500 00	
685 00.....			1,025 00

SECRETARIAT AND CARETAKING :—

\$1,500 00	Secretary's Salary.....	\$1,500 00	
100 00	Auditor's Fee.....	100 00	
525 00	Caretaker's Wages	525 00	
140 88	General Expenses and House cleaning.....	132 56	
2,265 88.....			2 257 56

PRINTING, ADVERTISING AND STATION-
ERY :

\$110 00	Resumé of Proceedings of Convo- cation		
216 09	General Printing and Stationery Account		
326 09.....			271 75

\$ 50,435 79

Carried forward

\$53,788 52

\$50,435 79

Expenditure—Brought forward. \$53,788 52

SUPREME COURT REPORTS :—

1,993 75	Balance of Subscription to Vol. 28 and subscription to Vol. 29 as per contract with the Dominion Government.	2,083 75
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	ENTERTAINMENT OF DELEGATES TO INTERNATIONAL LAW ASSOCIATION	68 35
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MISCELLANEOUS :—

\$305 33	Term Lunches	\$329 90
250 00	Grant to Widow of the late Secretary	250 00
61 00	Postage.	39 47
14 07	Telegrams.	6 58
3 00	Rent of Box in Safe Deposit Vaults.	3 00
300 00	Portraits and Tablets therefor.	
19 20	Ice for the Year.	19 50
19 60	Miscellaneous	13 35
5 55	Express and Freight Charges.	6 08
74 58	Contribution to Expense of Sidewalk	
5 00	Grant in aid of Circuit Guide.	10 00
10 00	Engrossing Resolution of Condolence	35 00
	Grant in aid of Students' Football Club	25 00
1,067 33		737 88

\$53,496 87\$56,678 50

TORONTO,

17th January, 1900.

Audited and found correct,

W. H. CROSS,

Auditor.

Law Society of Upper Canada.

To the Treasurer and Benchers in Convocation Assembled :—

The Library Committee begs leave to report as follows :—

Your Committee submits herewith the Librarian's Report for the year 1899, and recommends that the said Report be printed and distributed with the next number of the current Reports.

A. B. AYLESWORTH,

Chairman.

February 6th, 1900.

THE LIBRARY,

OSGOODE HALL, TORONTO,

February 1st, 1900.

*To the Chairman and Members of the Library Committee of
the Law Society of Upper Canada :*

The Librarian begs to submit his report for the year 1899, as follows :—

The total expenditure upon Library account during the year was \$7,777.56. This sum was expended as follows :—

Books and Periodicals.....	\$4,105 71
Binding.....	338 20
Re-binding, Repairs, etc	138 75
Supplies, Incidentals, etc.	213 40
Salaries	2,981 50
	<hr/>
	<u>\$7,777 56</u>

Details of the expenditures are given in a statement appended to this report ; also, an estimate of the expenditures for the current year.

The amount placed in the estimates of last year to cover the cost of a new catalogue was not expended. A portion of this appropriation amounting to \$750 will be used this year to cover the cost of publication of the "Subject-Index," which has been in preparation for some years past. The work is now in the press.

The number of volumes added to the Library last year was 1,411. Of these 1,082 were purchased, 240 were taken in as

periodicals and subsequently bound, and 89 were presented to the Library. A classified list of the accessions and a list of the works presented will be found appended to this report.

During the year a careful enumeration of the contents of the Library was made. Taking as a basis the figures thus ascertained the number of volumes on the shelves on January 1 last, was 29,894. These may be classified as follows:—

	VOLS.
Reports	11,998
Legal Texts	5,419
Statutes.....	2,152
Parliamentary	2,894
Legal Periodicals	948
Printed Cases	350
Legal Reference and Miscellany....	1,177
General Reference	1,484
General Literature	2,848
Newspapers, and Indexes of same..	624
	<hr/>
	29,894

The Library also has in store 362 volumes of duplicates—chiefly statutes—unstamped.

The attendance of readers in the evenings shows a decrease of about ten per cent., although the Library was open 242 evenings as against 230 in the previous year. It was as follows:—

	Total.	Average.
Barristers	1,530	6·32
Students.....	1,485	6·13
	<hr/>	<hr/>
	3,015	12·45

All of which is respectfully submitted.

W. GEO. EAKINS,

Librarian.

EXPENDITURES, 1899.

Books, Periodicals, etc. :—

Books and Pamphlets	\$3,683 25	
Periodicals	306 84	
Stamping	67 40	
Freight, Brokerage, etc.	48 22	
	<hr/>	\$4,105 71
<i>Binding</i>		338 20
<i>Re-binding, Repairs, etc.</i>		138 75
<i>Supplies, Incidentals, etc.</i>		213 40
<i>Salaries</i>		2,981 50
		<hr/>
		<u>\$7,777 56</u>

ESTIMATED EXPENDITURES, 1900.

Books, Periodicals, etc. :—

Books and Pamphlets	\$4,100 00	
Periodicals	500 00	
Stamping	75 00	
Freight, Brokerage, etc.	75 00	
	<hr/>	\$4,750 00
<i>Binding</i>		350 00
<i>Re-binding, Repairs, etc.</i>		200 00
<i>Supplies, Incidentals, etc.</i>		225 00
<i>Salaries</i>		2,975 00
		<hr/>
		<u>\$8,500 00</u>

Cost of Subject-Index, in place of vote of last year
for New Catalogue (\$1,200) unexpended \$750 00

LIBRARY ASSESSIONS, 1899.

	VOLS.	COST.
Texts, Canadian	17	\$ 78 25
" English	72	285 84
" United States	26	127 00
Reports, Canadian	47	88 50
" English	76	251 22
" Australasian	31	439 86
" Indian	4	15 00
" United States	245	871 32
Statutes, Canadian	34	40 90
" English	14	27 76
" Australasian	6	53 00
" United States	51	136 26
Digests and Indexes.....	121	513 13
Parliamentary	89	107 05
Miscellaneous (including Periodicals).....	484	883 96
General Literature	94	257 99
	<u>1411</u>	<u>\$4,177 04</u>
Pamphlets	<u>7</u>	<u>\$2 95</u>
Volumes Purchased	1082	
Volumes bound for the Library.....	240	
Volumes Presented	89	
	<u>1411</u>	

PRESENTATIONS.

Vols.

Dominion Government—Statutes, Sessional Papers, Journals, etc	21
Ontario Government—Statutes, Sessional Papers, Journals, etc	17
Quebec Government—Sessional Papers and Journals	5
Nova Scotia Government—Statutes	1
New Brunswick Government—Statutes and Journals....	2
British Columbia Government—Statutes and Journals ..	2
N. W. T. Government—Consolidated Ordinances.....	1
Newfoundland Government—Statutes	1
Minister of Agriculture, Ontario—Reports.....	3
Minister of Education, Ontario—Doc. Hist. of Education, U. C., vol. 6	1
U. S. Commissioner of Education—Annual Report	1
U. S. Commissioner of Patents—Laws and Rules of Practice	1
Toronto University—Examination Papers	1
Trinity University—Calendar	1
Victória University—Calendar	1
Librarian of Congress, Washington—Annual Report	1
Librarian of Supreme Court, Ottawa—Catalogue	1
Secretary of Commonwealth, Mass.—Acts	1
Secretary of State, Montana—Montana Reports	1
New York State Library—Annual Report	1
Toronto City Clerk—City Council Minutes	1
Dominion Statistician, Ottawa—Statistical Year Book, etc.	3
Clerk Supreme Court, Hawaii—Hawaiian Reports.....	1
Hon. Wm. Proudfoot—Hale's Pleas of the Crown, 1st ed., folio	2
Christopher Robinson, Esq., Q.C.—Law Texts	17
R. Masujima, Tokio—Civil Code of Japan	1
Incorporated Law Society, London—Solicitors' Act, 1888.	1
Boston Book Co.—Digest of S. Australian Cases, 1847-84.	1

LAW SOCIETY OF UPPER CANADA.

EASTER TERM, 1900.

TUESDAY, 22nd May.

Present: The Treasurer and Messrs. Barwick, Bayly, Bruce, Edwards, Guthrie, Idington, Kerr, Martin, Riddell, Ritchie, Shepley and Strathy.

The Treasurer announced that in the case of Mr. J. A. Tremblay, who had applied to the Legislature for an Act to admit him to practice as a Solicitor, upon conference with the member who had introduced the Bill and also with Mr. Tremblay himself and other friends, it was thought proper that the Bill should be withdrawn—which was subsequently done.

Mr. Bruce, from the Committee on Journals and Printing, reported as follows:—⁴⁴

The Committee, having considered the provisions of the recent Act of the Legislature of Ontario amending the Act respecting the Law Society of Upper Canada, recommend that the day for election of Treasurer and of Standing Committees be altered so that the elections in this year shall be on 8th June, 1900, and in subsequent years on the first meeting of Convocation in Easter Term, and that Rules be introduced to carry out such amendments. Adopted.

By unanimous consent leave was given to introduce the following Rules in substitution for and repealing Rule 33 and amending Rule 28:—

That pursuant to the Act to amend the Act respecting the Law Society of Upper Canada, passed at the last session of the Legislative Assembly of Ontario, the election of Treasurer in the year 1900 shall take place on Friday, the 8th day of June, 1900, and in subsequent years such election shall take place at the first meeting of Convocation in Easter Term and that the date mentioned in the Act, Revised Statutes of Ontario, cap. 172, sec. 33, is hereby altered accordingly, and Rule 33 is hereby repealed.

That Rule No. 28 be amended by striking out the words “on the first Saturday in Easter Term” and adding to such Rule the words “such election, in the year 1900, shall take place on Friday, 8th June, 1900, and in subsequent years at the first meeting of Convocation in Easter Term.”

The above Rules were then read a first and a second time, and they were ordered for a third reading at the next regular day of meeting of Convocation.

On reports from the Legal Education Committee, ordered:

That the following changes in the curriculum, as recommended by the Principal of the Law School, be adopted:—

In the First Year:—No change.

In the Second Year:—

Criminal Law. That “The Criminal Statutes of Canada” be substituted for “Harris’ Criminal Law.”

Real Property. That Armour’s Leith’s Blackstone, which will be published during the Summer, be substituted for Leith’s & Smith’s Blackstone, now out of print).

Contracts. That Pollock be substituted for Leake and Rawlinson on Specific Performance for Kelleher on Specific Performance (now out of print).

In the Third Year:—

Contracts. That for Honour men the subject be omitted altogether.

That for Pass men a Problem Paper of (say) twelve questions be set in the subject at the Spring Examinations.

Criminal Law. Omit Harris' Criminal Law.

Equity. Add "Bell & Dunn on Mortgages."

On the 26th June it was ordered that "Underhill & Strahan on the Interpretation of Wills" be added.

HONOURS.

That for Honour work, to be taken up in the Third Year only, two subjects, namely Company Law and Municipal Law, be taken up.

The Municipal Act, R.S.O. cap. 223.

Ontario Companies Act, R.S.O. cap. 191.

Joint Stock Companies Winding up Act, R.S.O. cap. 222.

The Companies Act, R.S.C. cap. 119.

The Winding Up Act, R.S.C. cap. 129.

Winding Up Amendment Act, 52 Vict. (C.) cap. 32.

Palmer's Company Law, 1898 (assigned portions).

EXAMINATIONS.

That the present system of double questions be adhered to for the first and second years.

That in the third year instead of the present system, say three questions be added to pass paper for Honour men only.

That one paper only be set in each of the Honour subjects: Municipal Law, ten questions; Ontario Joint Stock Companies, ten questions; Dominion Joint Stock Companies, ten questions.

Also that the Report of the Principal of the Law School for the past session be printed and distributed to the profession.

Also that the Principal be authorized to attend the meeting of the American Bar Association to be held this summer in Saratoga.

That Mr. B. W. Collison be not admitted as a student at law until he has the full status of a matriculant.

That Mr. W. E. Smith's petition, to be allowed to write at the First Year Examination be refused.

That Mr. C. G. Jones be permitted to write at the Supplemental Examination.

That Mr. Hugh Matheson, who passed the Final Examination in Easter, 1894, be called to the Bar and do receive his certificate of fitness.

That Mr. W. E. Burns' service be allowed.

That the dates of admission of Mr. A. M. Fulton and Mr. T. I. McNeece be reckoned as of Easter Term, 1897.

That Mr. E. S. Senkler (if successful in his examination) be called to the Bar at the meeting on 26th June, and do thereafter on the completion of his service receive his certificate of fitness as a solicitor.

That Mr. C. A. Irvines' petition to have his admission to the Society ante-dated be refused.

That the request of Mr. J. A. C. Cameron, one of the examiners, for payment of his travelling expenses, be declined.

The Committee further reported that the plan of securing delivery of lectures in the Law School by members of the Bench and Bar is much commended by the Committee. Adopted.

Mr. Shepley gave notice that he would move that the regulation which appears to have been passed by the Legal-Education Committee on 11th Sept., 1893, relating to the submission of examination papers by the examiners to the staff of the Law School before printing the same, be not approved.

The report of the Librarians of the Phillips Stewart Library was also presented and received.

Ordered that Mr. A. F. Welby Solomon, in accordance with his request, be heard on the subject of his petition to be called to the Bar, on Friday, 8th June, at 12 o'clock noon.

On the report of the County Libraries Committee, ordered :

That the Stormont, Dundas and Glengarry Law Association, who have transmitted to the Law Society proof of their incorporation and by-laws containing the provisions called for by the Law Society's Rules, and also proof that there has been contributed in money actually paid in \$219, and \$332 in books, and that there are thirty-six practitioners resident in the united counties, be paid for their initiatory grant \$720, such sum not exceeding a maximum sum of \$20 for each practitioner in the said united counties.

That Mr. Duncan Donald, barrister, be appointed to inspect the County Libraries, except that of Rainy River, for the year 1900, and report to Convocation upon all the matters embraced in Rule 84, that upon completion of his inspection, and production to the Finance Committee of a certificate of the Chairman of the County Libraries Committee that the inspection and report have been duly made, the sum of \$200 shall be paid to Mr. Donald in full for his services and travelling expenses.

MAY 23, Wednesday.

Present : The Treasurer, and Messrs. Britton, Hoskin, Riddell, Ritchie, Shepley and Strathy.

The rules to repeal rule No. 33 and substitute a new rule therefor, and to amend rule 28 were read a third time and passed.

Ordered that a grant of twenty-five dollars be made to the Osgoode Hall Baseball Club.

The letter of Mr. W. H. Barry, barrister, dated May 2, 1900, asking for the ruling of the Benchers on the question of a member of the legal profession, who is also a member of Parliament, engaging in departmental work, was read. The Secretary was ordered to reply that the Society have not any power to consider the matter in the abstract, but that if Mr Barry should be advised to lay a specific charge, he is requested to accompany such charge with a reference to the English rule to which in his letter he refers.

The letter of Mr. David Moodie, dated May 19, 1900, complaining of letters written him by Mr. A. B., a solicitor, threatening litigation against the complainant and

bringing the matter to the attention of the Society was read. The Secretary was ordered to reply that the Society cannot enquire into the matter at this stage; if there is any injury done to him meanwhile, legal proceedings may afford an adequate remedy.

The letter of Bella Hudie, dated May 9, 1900, complaining of the conduct of Mr. C. D., a solicitor, he not having accounted to her for a sum of money collected, was read. The Secretary read the letter written by him to the complainant, by the direction of the Chairman of the Discipline Committee, informing her that if she has any claim against her solicitor she must apply to the Court for an order to make him pay; that this is not a matter in which the Law Society should interfere, as she can obtain ample relief by application to the Courts.

Ordered that Mr. W. H. Cross, the present auditor, be re-appointed auditor for the ensuing year, ending first day of Easter term, 1901.

Mr. Hugh Matheson was then introduced and called to the Bar.

June 8th, Friday.

Present: The Treasurer and Messrs. Aylesworth, Barwick, Bayly, Bruce, Douglas, Edwards, Guthrie, Hogg, Martin, Riddell, Ritchie, Robinson, Shepley, Teetzel and Watson.

Mr. Martin moved, seconded by Mr. Guthrie, that Mr. Irving be elected Treasurer for the ensuing year. Carried.

Ordered that the chairmen of the several Standing Committees for the past year be a Special Committee to report to convocation a list of members to form the Standing Committees for the ensuing year.

The Special Committee reported a list which, after the appointment of chairmen, stands as follows:—

FINANCE:—Messrs. G. H. Watson, *Chairman*; A. B. Aylesworth, Walter Barwick, B. M. Britton, A. Bruce, A. H. Clarke, E. B. Edwards, G. C. Gibbons, John Hoskin, E. Martin, W. R. Riddell, C. H. Ritchie, G. F. Shepley, H. H. Strathy.

REPORTING:—Messrs. B. B. Osler, *Chairman*; B. M. Britton, E. B. Edwards, D. Guthrie, W. D. Hogg, J. Idington, W. Kerr, Z. A. Lash, Colin Macdougall, W. Proudfoot, C. H. Ritchie, J. V. Teetzel.

DISCIPLINE:—Messrs. John Hoskin, *Chairman*; Walter Barwick, R. Bayly, A. Bruce, E. B. Edwards, Donald Guthrie, W. D. Hogg, Z. A. Lash, D. B. Macleannan, C. Robinson, H. H. Strathy, G. H. Watson.

LEGAL EDUCATION:—Z. A. Lash, *Chairman*; Walter Barwick, R. Bayly, John Hoskin, E. Martin, B. B. Osler, W. Proudfoot, W. R. Riddell, C. H. Ritchie, C. Robinson, G. F. Shepley, H. H. Strathy, J. V. Teetzel, G. H. Watson.

LIBRARY:—Messrs. A. B. Aylesworth, *Chairman*; S. H. Blake, A. H. Clarke, W. Douglas, J. Idington, W. Proudfoot, W. R. Riddell, C. H. Ritchie, C. Robinson, G. F. Shepley, H. H. Strathy, G. H. Watson.

JOURNALS AND PRINTING:—Messrs. A. Bruce, *Chairman*; A. B. Aylesworth, Walter Barwick, R. Bayly, John Bell, F. H. Chrysler, A. H. Clarke, G. C. Gibbons, W. Kerr, Colin Macdougall, D. B. Macleannan, J. V. Teetzel.

COUNTY LIBRARIES:—Messrs. E. Martin, *Chairman*; B. M. Britton, A. Bruce, F. H. Chrysler, W. Douglas, G. C. Gibbons, D. Guthrie, J. Idington, W. Kerr, B. B. Osler, H. H. Strathy, A. J. Wilkes.

By Rule 29 the Treasurer is *ex officio* a member of all Standing Committees.

Ordered on a report from the Legal Education Committee: That Mr. T. D. McGee be allowed his service. That Mr. H. L. Jordan be allowed his service. That Mr. A. N. W. Clare's notice for admission do remain posted until the half yearly meeting, and that he be then admitted if no objection appear. That the following gentlemen be called to the Bar and do receive their certificates of fitness: Messrs. M. G. V. Gould (with Honours), J. A. Rowland, J. K. Burgess, John Milden, George Bray, S. A. Armstrong, A. W. Holmsted, F. H. A. Davis, W. M. Kellock, W. E. Burns, G. A. J. Fraser, A. B. Colville, I. W. McArdle, F. J. S. Martin, T. E. McKee.

That the following gentlemen be allowed their first year examinations: Messrs. J. Bradford and F. W. Halliday (equal), N. G. Guthrie, Harold Fisher, E. N. Armour, W. Forbes, N. Somerville, J. T. Richardson, A. W. Hunter, H. W. McLean, G. H. Smythe, M. C. Cameron, R. D. Moorhead, J. R. Meredith, W. A. Sadler, A. Langlois, R. H. Knox, S. A. Dickson, W. E. Payne, C. L. Durie, R. H. Paterson and R. G. Hunter (equal), E. A. Cleary, L. Kinnear and C. H. Dunbar (equal), A. E. Millican, E. T. Bishop, R. H. Parmenter, D. McKechnie, C. R. Deacon, R. J. Stewart, W. T. Detler, T. Colclough, J. C. MacMurchy.

That the following gentlemen be allowed the first year examination with Honours:—Messrs. J. Bradford and F. W. Halliday (equal), N. G. Guthrie, Harold Fisher, E. N. Armour, W. Forbes, N. Somerville, J. T. Richardson, A. W. Hunter, H. W. McLean, and that Messrs. Bradford and Halliday do each receive a scholarship of \$100.00, and Messrs. Guthrie, Fisher, Armour, Forbes and Somerville each one of \$40.00.

That the following gentlemen be allowed their second year examination:—Messrs. G. A. Stiles, W. A. Nisbett, E. W. Clement, S. E. Bolton, R. H. Greer, O. M. Biggar, A. W. Anderson, A. Macdonald, W. M. Ewart, A. Macgregor, E. Gleason, J. W. McNiely, C. McCrear, F. W. Grant, J. M. Gunn, J. Ainslie Jackson, J. Arthur Jackson, N. Sinclair, H. A. Tibbetts and W. D. B. Turville (equal), J. P. Weeks, D. B. White, F. J. Wegg, G. J. McArthur, T. H. Barton, C. A. R. Dulmage, J. R. Howitt, E. W. Beatty, T. F. Battle, G. W. Spence, J. H. Parker, G. M. Clark and J. Ogle Carss (equal), W. A. Grange, F. D. Woodworth and A. H. Monteith (equal), R. S. Colter, J. A. Supple, T. A. Burgess.

That the following gentlemen be allowed their second year examination with honours: Messrs. G. A. Stiles, W. A. Nisbett, E. W. Clement, S. E. Bolton, R. H. Greer, O. M. Biggar, A. W. Anderson, A. Macdonald, and that Mr. Stiles do receive a scholarship of \$100, Mr. Nisbett one of \$60, and Messrs. Clement, Bolton, Greer and Anderson each one of \$40.

That Mr. F. L. Davidson (who has passed the third year examination), upon completion of his term of three years' service under articles, be called to the Bar, and do receive his certificate of fitness. That Mr. T. H. Barton be permitted to attend the Law School lectures of the third year at the next school term, and write on the third year examination at the end of that term. That Messrs. R. H. Temple, of the third year, H. A. C. Machin and C. S. Wilkie, of the second year, and A. J. Poynter, of the first year, who are absent on service with the Canadian Contingents in South Africa, be allowed their examinations in their respective years.

The letter of Mr. A. J. McComber, of the 23rd day of May, 1900, stating that a bill had been introduced at the last session of the Ontario Legislature having for its

object his admission as a solicitor, and that the bill had been withdrawn on the understanding that the applicant should attend the Law School for one term, pass the final examination and pay the fees, was read.

Ordered that Mr. McComber be requested to forthwith enter himself as a member of the Society; that he be required to attend the next course of lectures, beginning in September next; that upon passing the regular examination prescribed as the final examination to qualify students for certificates of fitness as solicitors, he be allowed his certificate of fitness—Mr. McComber, being now informed that, if there be any question of power of the Law Society in the premises, the Law Society will, on such final examination being passed, co-operate to obtain an Act of the Legislature in confirmation of its action.

The following gentlemen were then introduced and called to the Bar: Messrs. M. G. V. Gould (with honours), J. A. Rowland, J. K. Burgess, John Milden, Geo. Bray, S. A. Armstrong, A. W. Holmsted, F. H. A. Davis, W. M. Kellock, W. E. Burns, G. A. J. Fraser, A. B. Colville, I. W. McArdle, F. J. S. Martin, T. E. McKee.

Mr. Watson from the Finance and Reporting Committees presented a draft of a contract between the Law Society and Messrs. R. R. Cromarty and R. G. McLean for the printing and publication of the Law Society's law reports and explained its details.

Convocation approved of the terms of the said agreement, to be executed by the Law Society when duly engrossed.

Mr. Arthur Francis Welby-Solomon being in attendance for the purpose of being heard in pursuance of the order of Convocation of 22nd May last, the petition and the report of the Legal Education Committee on his case presented 6th February, 1900, were read.

Mr. Welby-Solomon was introduced, and having addressed Convocation, then withdrew.

It was then resolved that Convocation did not think fit to make any alteration in the conclusion arrived at on 6th February, 1900, when the report of the Legal Education Committee was adopted; and Convocation directed that it be recorded that Mr. Welby-Solomon avowed in his address to Convocation, that his primary reason for application to be admitted a member of the Bar of Manitoba was to make it a stepping stone to being called to the Bar of Ontario.

And further recorded that it had not been suggested by Convocation (as intimated by Mr. Welby-Solomon had been done) that he had used any deception in presenting his petition.

TUESDAY, 26th June, 1900.

Present the Treasurer and Messrs. Barwick, Bruce, Ritchie, Shepley and Wilkes.

The Secretary reported that on the 14th inst. the contract for printing and publishing the reports had been executed by all the parties and that the Treasurer had duly affixed thereto the corporate seal of the Society.

Ordered on reports of the Legal Education Committee: That Mr. J. T. White do receive his certificate of fitness as a solicitor. That Mr. H. P. Hill be permitted to write at the supplemental examination of the First Year. That in Mr. W. N. Munro's case the usual certificate of service from his principal be dispensed with. That the following gentlemen be called to the Bar: Messrs. W. N. Munro, A. M. Fulton, G. E. Buchanan, C. H. Bradburn, P. W. O'Flynn, E. S. Senkler, H. L. Jordan, T. D. McGee, C. S. Tapscott, H. G. Myers, T. I. McNeece.

That Messrs. W. N. Munro and A. M. Fulton be called to the Bar with Honours, and that Mr. Munro do receive a bronze medal. That the above named gentlemen do (with the exception of Mr. Senkler) receive their certificate of fitness [Mr. Senkler received his certificate upon the expiration of his service, two days later]. That the following gentlemen be entered as students at law:—

Graduates:—Messrs. R. V. LeSoeur, F. E. Brown, A. N. W. Clare, E. P. Flintoft, P. A. Greig, A. C. Hill, R. D. Hume, D. J. Thom.

Matriculants:—J. W. McDonald, T. J. Agar, J. A. Oglivie, C. H. A. Wright, H. S. Lees, F. J. Sheahan.

That the following gentlemen be also, on production of certificates of passing examination for the degree of B. A., which has taken place prior to this date, admitted as students at law of the graduate class:—Messrs. R. A. Carman, G. B. Strathy, S. J. Whittaker. That the administration of the Phillips Stewart library be transferred to the Principal of the Law School, subject to the control of the Legal Education Committee as heretofore. That the Legal Education Committee be empowered to make such provisions from time to time as may be deemed necessary to secure a continuation of the recent arrangement by which students were selected to act as librarians in the Phillips Stewart Library at a reasonable remuneration. That Underhill and Strahan on the Interpretation of Wills, be added to the text books of the third year.

Mr. Barwick moved for leave to introduce the following Rules for the purpose of carrying into effect certain alterations heretofore made in the Rules by resolution of Convocation founded upon reports by the Legal Education Committee from time to time; which Rules, by unanimous consent, were read three times and passed as follows:—

Rule 162 is amended to read as follows:—

“A student must complete the course of study of the first year, and pass the prescribed examinations thereon in due course, before he enters on the second year; and must complete the course of study of the second year and pass the prescribed examinations thereon in due course, before he enters on the third year.”

Rule 163 is repealed and the following substituted therefor:—

“163—The attendance in the school shall be compulsory as follows:—All students at law shall, during the last three years of their attendance in Chambers or service under articles, attend the school terms in continuous and consecutive order of first, second and third years, and must present themselves for the prescribed examinations. In the case of graduates the last three years shall mean the whole three years of attendance or service.”

Rules 164, 165, 166, 167, 168, 169, 170 and 171 are repealed.

Rule 176 is repealed and the following substituted therefor:

“176—Examinations shall be held upon such subjects and at such times as shall be prescribed by the Legal Education Committee. Such examinations shall include the work of the school during the preceding School Term.”

Rule 177 is amended so as to read as follows:—

“177—Students whose attendance at lectures has been allowed as sufficient, and who have failed at the regular examinations or who have been prevented by illness or other good cause from writing thereat, may present themselves at the next supplemental examinations, at their own option, either in all the subjects or in those

subjects only in which they failed to obtain fifty-five per cent. of the marks obtainable in such subjects.

Rule 178 is amended so as to read as follows :

"Students desiring to present themselves at the supplemental examinations shall give notice in writing to the Secretary of the Law Society at least two weeks prior to the time fixed for such examinations, of their intention to present themselves, stating whether they intend to present themselves for examination in all the subjects or in those only in which they failed to obtain fifty-five per cent. of the marks obtainable, specifying such subjects."

The following new rules were adopted :

"180 (b) The Christmas Examinations of the second and third years shall be independent and complete in themselves so far as pass students are concerned, while, with respect to honour candidates, the results of such examinations shall be combined with the results of the examinations held at the close of the term."

"180 (c) The fee to be paid in respect of the examination of the third year held before the Christmas vacation shall be twenty dollars, of which ten dollars shall be forfeited in case of failure ; and the whole sum of twenty dollars or balance of ten dollars, as the case may be, shall be credited upon the fees payable for Call and Admission as Solicitor."

Rule 192 is amended by inserting after the words "in which he desires to be called" in the second line, the following words "and at least two days before presenting himself for examination."

Rule 207 is amended by substituting for the words "Section 4 of Chapter 147 of the Revised Statutes of Ontario" the following words, "Section 8 of Chapter 174 of the Revised Statutes of Ontario, 1897."

Rule 208 is amended so as to read as follows :

"Honours and scholarships provided for intermediate examinations shall be awarded only in connection with the Law School examinations, other than supplementary examinations."

Moved by Mr. Barwick, seconded by Mr. Ritchie, that Mr. Lash be elected as representative of the Law Society on the Senate of the University of Toronto for the ensuing year. Carried.

The letter of Mr. A. J. McComber, of the 22nd of June inst., was read and it was ordered that he be allowed to attend the Law School term commencing next September, or the term commencing September, 1901, as he may elect, and that his letter be answered accordingly.

The following gentlemen were then introduced and called to the Bar : Mr. W. N. Munro, with honours and bronze medal, Mr. A. M. Fulton, with honours, and Messrs. G. E. Buchanan, C. H. Bradburn, P. W. O'Flynn, E. S. Senkler, H. L. Jordan, T. D. McGee, C. S. Tapscott, H. G. Myers, T. I. McNeece.

An explanation was made, by Mr. Shepley, of the decision of the Finance Committee to take action against Mr. Hutchison, of the late firm of Rowsell & Hutchison, for the recovery of certain reports of the Law Society, and for an account of those sold, and that the matter had been placed in the hands of Mr. Hamilton Cassels by the Finance Committee.

The action of the Finance Committee was approved.

Convocation then rose.

LAW SOCIETY OF UPPER CANADA.

REPORT OF THE PRINCIPAL OF THE LAW SCHOOL UPON
THE SESSION OF 1899-1900.

THE LAW SCHOOL,
30th April, 1900.

Z. A. LASH, Esq., Q.C.,

Chairman, Legal Education Committee:

DEAR SIR,

I beg to present my report for the term of
1899-1900.

1. Number of students registered:—

1st year	38	Average attendance. . . .	34
2nd year . . .	45	" "	40
3rd year . . .	63	" "	58
And one com- pleting elec- tion	1		

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Of this number, four—W. J. Poynter, 1st year; H. A. C. Machin and C. S. Wilkie, 2nd year; and R. H. Temple, 3rd year—went to South Africa as members of the Canadian Contingent.

Among the students of the second year are one law student from Victoria, B.C., and one from St. John's, Newfoundland.

2. The conduct and attention were completely satisfactory.

3. Number of lectures delivered:—

The Principal	223
Mr. Armour, Q.C.	105
Mr. Marsh, Q.C.	104
Mr. King, Q.C.	95
Mr. McGregor Young	119
<hr/>	
Total	646

4. In addition to the above, special lectures were delivered to the *Third Year* as follows:—

“Interlocutory Applications.” 2 lectures.
John H. Moss, Esq.

“The Law of Costs.” 3 lectures. W. E.
Middleton, Esq.

“Preparation for Trial.” 1 lecture. N. W.
Rowell, Esq.

“Legal Ethics.” The Hon. Mr. Justice Rose.

“The Municipal Act.” 3 lectures. The Hon.
Sir W. R. Meredith, Chief Justice, Com-
mon Pleas Division.

“A Counsel’s Duties at a Trial.” 2 lectures.
B. B. Osler, Esq., Q.C.

“Guarantees.” 2 lectures. The Hon. Mr.
Justice Moss.

“Procedure Under Winding-up Acts.”
Thomas Hodgins, Esq., Q.C., Master-
in-Ordinary of the Supreme Court of
Judicature for Ontario.

5. Pursuant to the authority given to me, I attended the meeting of the American Bar Association held at Buffalo in September last, and derived much benefit from the discussions on the subject of legal education.

6. I submit in Schedule A. a list of students who have duly attended lectures during the past term, and in Schedule B. a list of those who have been prevented from so attending from illness or other good cause.

7. I beg to submit also a report from the students in charge of the Phillips Stewart Library during the month of April. The change made in the management of the Phillips Stewart Library has in my opinion worked well, and may be expected to do so in the future.

Dated 10th May, 1900.

N. W. HOYLES,
Principal.

LAW SOCIETY OF UPPER CANADA.

 TRINITY TERM 1900.

SEPTEMBER 11, Tuesday.

Present: The Treasurer and Messrs. Aylesworth, Barwick, Bayly, Bruce, Edwards, Idington, Lash, Riddell, Ritchie, Strathy and Watson.

Ordered on a report from the Legal Education Committee:—That the notices given by Mr. J. F. M. Stewart and Mr. H. D. Graham for admission as students-at-law be accepted as sufficient. That Mr. G. F. Mahon and Mr. J. H. Campbell be called to the Bar on the 21st inst., and that after the 23rd inst. their certificates of fitness do issue on production of proofs of completion of their service. That service be allowed in the cases of Messrs. Alex. Fleming, J. A. McPhail, G. W. Goodwin, T. F. Slattery and J. L. Counsell, and the lateness of Mr. Counsell's notice for call waived. That Mr. E. E. Wallace's petition for leave to attend the Law School this approaching session be refused. That Mr. F. H. Hurley's petition for exemption from lectures be granted. That Mr. G. S. Gibbons be admitted as a student-at-law of the matriculant class. That the following gentlemen be called to the Bar:—Messrs. J. G. O'Donoghue and J. A. McPhail (with honours), also Messrs. J. W. Mahon, E. C. Jones, M. B. Tudhope, O. S. Black, G. W. Goodwin, J. L. O'Flynn, J. L. Counsell, R. C. H. Cassels, A. Fleming, P. McDonald, J. A. Milne. That the same gentlemen receive their certificates of fitness as solicitors, with the exception of Mr. Milne whose service has not expired.

In the case of Mr. A. J. McComber, it was reported, that pursuant to the order of 26th June, 1900, Mr. McComber had this day entered himself as a member of the Law Society, and had elected to attend the Law School, session commencing in September, 1901.

The Secretary reported:—That Mr. Colin Macdougall had failed to attend the meetings of Convocation for three consecutive terms, namely—Michaelmas, 1899, and Easter and Trinity, 1900. The report was referred to the Committee on Journals and Printing.

Ordered that the application for call of Mr. A. J. F. Sullivan, a solicitor of over five years' standing, be referred to a Special Committee, consisting of Messrs. Bayly, Strathy and Ritchie, to subject him to an examination under R.S.O. 1897, cap. 173, sec. 2, sub-sec. 3.

It was then moved by Mr. Aylesworth, on behalf of Mr. Watson who was then in Court, and seconded by Mr. Edwards: "That the resolution and order of Convocation for the publication and issue of a Century Digest be rescinded, and that the work be discontinued, and instead thereof, a five years' Digest be published."

After some discussion Convocation then ordered "that the said motion do stand for the meeting of Convocation to be held on the 21st September inst, and that a Special Committee, consisting of the Treasurer and Messrs. Lash, Ritchie, Watson and Aylesworth (Mr. Ritchie being convener), do report by the 21st inst. upon the work already done, and also on any other circumstances in connection with the

subject ; and that there be a Special Call of the Bench for Friday, the 21st September, 1900, to consider the whole subject of a new Digest, and that a copy of this resolution be sent to every Bencher to signify that in view of the importance of the subject, and the necessity of an early decision, a full meeting of the Bench is earnestly desired."

A report was read from the Committee on Journals and Printing confirming the report of the Secretary as to the absence of Mr. Colin Macdougall from the meetings of Convocation. Ordered that the same be taken into consideration on the 21st inst., and that Mr. Macdougall be notified of the report and of the time when same is to be taken into consideration.

Mr. Ritchie, from the Special Committee, appointed to examine Mr. A. J. F. Sullivan, reported that he had answered all questions put to him. Ordered that Mr. Sullivan be called to the Bar.

Mr. Barwick, pursuant to notice given, moved:—"That Rule 193 be amended as follows:—by striking out all the words after ' himself ' and substituting in lieu thereof the words ' may have expired,' and that Rule No. 201 be amended by striking out the words ' shall not expire until a date during the ensuing term ' and substituting in lieu thereof the words ' may not have expired.'"

The amending rule was introduced and read a first time, and by unanimous consent read a second and a third time and passed.

Mr. Shepley's notice of motion in respect to the submission of examination papers to the staff of the Law School was ordered to stand until the 21st inst.

Mr. Watson gave notice that he would move at the meeting of Convocation on 21st inst. that a direction be given by Convocation to examiners appointed by the Law Society to make their reports as to the results of the examinations as the same may respectively occur within two weeks after the close of such examinations.

It was reported by the Reporting Committee that during Mr. Osler's absence, Mr. Ritchie had been requested to act as chairman.

The following gentlemen were then introduced and called to the Bar:—Messrs. J. G. O'Donoghue and J. A. McPhail (with honours), and Messrs. J. W. Mahon, E. C. Jones, M. B. Tudhope, O. S. Black, G. W. Goodwin, J. L. O'Flynn, J. L. Counsell, R. C. H. Cassels, A. Fleming, P. McDonald, J. A. Milne and A. J. F. Sullivan.

Convocation then rose.

SEPTEMBER 12, Wednesday.

Present, the Treasurer and Messrs. Hoskin, Idington and Strathy.

There being no business, Convocation rose.

SEPTEMBER 21, Friday.

Present: The Treasurer, Messrs. Aylesworth, Barwick, Bayly, Blake (Hon. E.), Clarke, Douglas, Edwards, Hoskin, Idington, Lash, Martin, Riddell, Ritchie, Shepley and Teetzel.

The letter of Mr. Dickson Patterson of the 20th inst. on the subject of the portrait of Chief Justice Sir Geo. W. Burton was read and the improvement in the likeness being generally recognized, it was ordered that same be acknowledged in suitable terms.

Order upon a report from the Legal Education Committee: That Mr. P. G. Price be admitted as a student-at-law as of Easter Term, 1900. That the following gentlemen be admitted as students-at-law of the present term (Trinity, 1900), graduates, Messrs. R. A. Paterson, J. C. Payne, A. J. Thomson, J. G. Gibson, C. V. Lindsay, G. A. McGaughey, W. G. Harrison, W. R. Meredith, F. Morison, H. M. Sinclair and R. D. Thompson; matriculants, R. B. Hannah, G. B. O'Connor and H. S. White. That Messrs. D. R. Byers and H. F. Gooderham (graduates), and H. P. Blackwood and J. B. Cordingly (matriculants) who have deposited their fees and given due notice for admission be also admitted upon production of their certificates of degree or matriculation, as the case may be, within three weeks. That in the case of Mr. T. A. Colclough (who had before his admission taken the first year lectures and examination as a special student) attendance on the first year lectures and passing the examination be dispersed with. That Mr. T. Gibson's service be allowed. That the following gentlemen be called to the bar and do receive their certificates of fitness as solicitors:—Messrs. J. H. Hunter, jr., A. E. McNab, T. Gibson and J. E. Wallbridge (with honours), and Messrs. T. F. Slattery and W. B. Scott. That the following gentlemen who are reported as having passed the supplemental examinations of the Law School be allowed same: First-year, G. W. Hastings; second-year, C. G. Jones, W. B. Kingsmill, E. G. Morris; third-year, W. S. West. That Mr. W. S. West do receive his certificate of fitness as a solicitor.

Mr. Ritchie from the Special Committee appointed on the 11th inst. to report upon the work already done on the Consolidated Digest, and upon any other circumstances connected with the subject, presented the following report:—

The Committee appointed on the 11th inst. to report upon the work already done, and also any other circumstances in connection with the publication and issue of the "Century Digest," beg to report as follows:

By the contract dated 18th February, 1898, made between the Law Society and Mr. James F. Smith, Q.C., the compiler, the latter agreed to compile a Digest of Cases in this Province down to the end of the year 1900, including also Supreme and Exchequer Court cases, and appeals from Canada to the Judicial Committee of the Privy Council, with a selection of other cases, the work to be ready for the printer by Vacation, 1901. The price to be paid, assuming the material to be compiled to reach 5200 pages, is fixed at \$18,200. Under the contract it was expressly declared that the compiler should alone be responsible for the payment of his assistants. It was apparently contemplated at the time of the making of the contract that to fully complete the work would occupy about six years. On the basis of the total contract price the compiler would therefore earn \$3033.33 per annum, but as a precautionary measure, and evidently as a guarantee for the complete fulfilment of the contract by the compiler, it was stipulated that for the first three and one half years the compiler should be paid only \$2500 annually.

At the request of the committee Mr. Smith appeared before them, and in reply to questions submitted, stated that the compilation of the work, in so far as it had proceeded up to the present time, was embraced in eleven large scrap book volumes—the last volume of which he produced before the Committee. This last volume carried the compilation down to and inclusive of the last title of the Digest, "Work and Labor," and the compiler stated that the material, with the exception of some

of the cases of last year, and those of this year, and selections yet to be made, had all been arranged under titles and sub-titles, and that save as before mentioned the work might, so far as arrangement was concerned, be said to be practically complete. He also stated that the compilation would, in accordance with the terms of the contract, be ready for the printer by vacation, 1901, and expressed the opinion that the work of printing and revision through the press would occupy probably two and one half years, and possibly three years, and that the completed Digest would be comprised in four volumes, namely, three large ones, and one smaller volume, containing names of cases, doubled, and list of cases reversed, considered, etc., etc.

In preparing the contents of the Digest the Compilers have simply collected under appropriate heads [the existing head-notes. The judgments themselves have not been re-read. To do so, Mr. Smith stated, would be quite impracticable, and the only alteration in existing head-notes which the new digest will show, will be such verbal amendments or omissions as perusal of the present head-notes may suggest. Mr. Smith added that if, on such perusal, anything in the language of an existing head-note seemed to require it, reference would be made to the judgment, and the head-note corrected if necessary.

From the information gathered by the Committee they are of opinion that the cost of preparation of a five or ten years' Digest would not be materially lessened by placing in the hands of the compilers of such Digest the material selected and arranged for the "Century Digest," as the compilers of the five or ten years' Digest would probably feel that they could more readily do their work by utilizing the digests in each volume of the Reports instead of eliminating the necessary material from the compilation of the "Century Digest."

The Committee are informed by the Secretary of the Law Society that the cost of the ten years' Digest, 1880 to 1890 was

For compilation.....	\$4050 00
For printing.....	3669 97
	————— \$7719 97

and that the cost of the five years' Digest, 1890 to 1895, was

For compilation.....	\$1500 00
For printing.....	2154 05
	————— \$3654 05

In reference to this last-mentioned Digest, Mr. Smith stated it was found that the sum of \$1500 was wholly inadequate compensation, and that it was most improbable anyone could be got to undertake the compilation of another five years' Digest for less than \$2000. A five or ten years' Digest, including cases to end of 1900, could not, in the ordinary course, be compiled and got ready for printer until about vacation, 1901. A five years' Digest would contain probably 600 pages, and a ten years' Digest probably 1200 pages.

Mr. Smith, upon being asked if he would be willing to cancel the contract upon being paid up to the present time for the work done at the rate of \$3033.33 per annum, stated that personally he would be quite willing to do so, but that he had made contracts with his assistants covering the execution of the entire work, including revision

while the work was being printed, and that as the great bulk of the money payable went to his assistants, he would have to see them and ascertain their attitude before he would be in a position to make any proposal.

The Secretary of the Law Society reported that so far he had only paid out to the compiler \$5000 on account, and that he had paid for stationery and books in connection with the compilation \$263.

The Committee beg to add that the estimated cost of printing and binding is \$15000, and that Robinson & Joseph's Digest is now out of print.

The whole respectfully submitted,

(Signed) C. H. RITCHIE,
Chairman.

September 21, 1900.

The report was read and received. The consideration of the motion of which notice had been given for to-day namely:—"That the resolution and order of Convocation for the publication and issue of a Century Digest be rescinded, and instead thereof a five years' digest be published," was resumed. Mr. Aylesworth again moved its adoption. The Treasurer stated that he had received letters from Messrs. Watson, Chrysler and Wilkes stating their respective views upon the publication of the proposed Century Digest.

Mr. Martin moved, seconded by Mr. Idington, an adjournment of the discussion until the first meeting of next term. Yeas:—Messrs. Clarke, Douglas, Idington, Martin and Ritchie—5. Nays:—Messrs. Aylesworth, Bayly, Barwick, Blake, Edwards, Lash and Shepley—7. Lost.

On Mr. Aylesworth's motion:—Yeas:—Messrs. Aylesworth, Barwick, Bayly, Blake, Edwards, Lash, Shepley—7. Nays:—Messrs. Clarke, Douglas, Idington, Martin and Ritchie—5. Carried.

Mr. Shepley's notice of motion in regard to examination papers and Mr. Watson's notice in regard to Examiner's returns were ordered to stand until the first meeting of next term.

Convocation then took into consideration the report of the Committee on Journals and Printing with respect to the absence of Mr. Macdougall from the meetings of Convocation. Ordered that a call of the Bench be issued for Tuesday, 20th November, 1900, to elect a Bencher in place of Mr. Macdougall.

The letter of His Honour Judge Morson, of 7th inst. thanking the Benchers for the use of a room for the meeting of the County Judges was read.

The letter of Mr. W. C. Mikel, forwarding copies of resolutions adopted by a meeting of representatives from County Law Associations held on 30th June, 1900 was read, the resolutions being as follows:

That the Law Society be requested to take further steps to equalize the receipts and disbursements on account of the Law School with a view to providing funds to further assist County Law Library Associations.

That the Benchers be recommended to increase the annual fee payable by students for attendance at the Law School to \$50, commencing with 1901 to be increased annually thereafter \$10 till it reaches \$100.

That the Benchers of the Law Society be requested to employ a person to act as a detective for the purpose of reporting conveyancers and others who practice illegally not only in the High and County Courts but also in the Surrogate Court.

Ordered that the resolutions be referred to a Joint Committee composed of the Finance and Legal Education Committees for consideration and report.

The letter of the Hamilton Law Association relating to the supply of students' text books was referred to the County Libraries Committee for consideration and report.

The letter of Mr. R. S. Cassels relating to wardrobe accommodation was referred to the Finance Committee for consideration and report.

The following gentlemen were called to the Bar:—Messrs. J. H. Hunter, Jr., with Honours and silver medal, A. E. McNab, with Honours and bronze medal, T. Gibson and J. E. Wallbridge with Honours, also Messrs. G. F. Mahon, J. H. Campbell, T. F. Slattery and W. B. Scott.

Mr. Idington gave notice that on the first day of next term he would move:—That the question of the publication of a new Digest either consolidated or for five or ten years be considered and determined.

Mr. Lash, from the Legal Education Committee, reported recommending an amendment in the Rules relating to notices given in the case of the admission of students. The report was adopted and leave was granted to introduce a rule to carry the proposed amendment into effect.

Mr. Lash thereupon introduced the new rules to repeal Rules No. 133 and 134 and amend Rules 135, 137, 139, 142, which, by unanimous consent, were read three times and passed, as follows:—

133. The Secretary shall immediately after the end of Easter Term and of Trinity Term make out two lists containing the names, additions and family residences of all the candidates who have applied for admission as students at law in the Term and shall post up one of such lists in a conspicuous place in his office and the other in the Law School, and shall keep them so posted for a period of thirty days, and if no objection to the admission be received by the Secretary during such thirty days the candidates included in such list who have complied with the rules and are otherwise qualified may be admitted as of the term in which their applications for admission have been made, but if any such objection has been received the Secretary shall defer action upon the application and shall report the same and the objection to Convocation. This rule shall apply to applications made in Trinity Term, 1900, in respect of which the notice required by Rule 133, hereby repealed, has not been given, and in respect of which Convocation has made no order.

Rules 135, 137, 139 are hereby amended by striking out thereof the words "giving the said notice and."

Rule 140 is hereby amended by striking out thereof the words "giving the usual notice and."

Rule 142 is amended by striking out thereof the words "given the said notice and."

Mr. Martin presented the report of the Inspector of County Libraries, which was referred to the County Libraries Committee.

It was ordered that Messrs. Ritchie, Watson, Shepley and Aylesworth be requested to obtain the consent of the Hon. William Glenholme Falconbridge, the recently-appointed Chief Justice of the Queen's Bench Division, to sit for his portrait to be placed in Osgoode Hall, and that the said members of Convocation be a committee to make the necessary arrangements for securing such portrait, Mr. Watson to be convener.

Convocation then rose.

LAW SOCIETY OF UPPER CANADA.

COPY OF THE REPORT OF THE INSPECTOR OF COUNTY LIBRARIES FOR THE YEAR 1900.

To the Treasurer and Benchers of the Law Society of Upper Canada in Convocation:—

Gentlemen,—In accordance with the resolution of Convocation and the Rules, I beg to present herewith a report of my inspection of the county libraries. I have visited in all twenty-five libraries, being all those established to date, save that of Rainy River, as follows:—

Brant	Frontenac	Kent	Ontario	Stormont & Glengarry
Bruce	Grey	Leeds & Grenville	Oxford	Waterloo
Carleton	Hamilton	Lindsay	Perth	Welland
Elgin	Hastings	Middlesex	Peterboro	Wellington
Essex	Huron	Norfolk	Simcoe	York

This being my first tour of inspection it is impossible for me to make any comparison between their condition now and last year, but in almost all cases I interviewed the officers of the associations and I should judge that such progress had been made as the various incomes warranted.

The rooms provided by the County Councils are as good as they can provide in the present buildings, and in all cases, save at Ottawa, are sufficient for the purposes. In some instances the room is used for other purposes, but this does not appear to interfere to any great extent with its use as a library, except, again, at Ottawa, and the officers of this association have threatened the County Council with legal proceedings unless a room sufficient for the purpose of the library is provided. The association at St. Thomas have entered into possession of the quarters provided in the newly re-built Court House and have a most convenient and elaborately furnished library. The new association at Cornwall is also provided with a very excellent room, and promises to be of great service to the profession.

The furniture of the libraries in most cases is sufficient for the purpose, though the quantity and quality varies just as County Councils are generous or otherwise, but in some cases, especially at Welland, the libraries would be more attractive if something more than the plainest of tables and chairs were provided. I should think that an application made to the County Council setting out what the law provides in this matter and what has been done by other counties for the association would result in better furniture and appliances being provided.

In all the libraries the books are in good condition as to binding, but it appears to be impossible in many instances to have them kept free from dust. Though this no doubt is the duty of the caretaker of the building, I think the Associations could, with the expenditure of very little money, overcome this and increase greatly the comfort of those using the library. From a cursory glance over the contents of the various libraries it is apparent that great care is exercised by all those in charge in the selection of the books. It would be a

great convenience to members of the profession, especially to those from other counties, if all the libraries were properly divided into sections and labelled. This is done in some, but even in the smallest library it would save time. The catalogues provided could also be improved if gotten up in more permanent form. I do not mean that they should in all cases be printed, but the paper used for this should be strong as well as the binding in order to stand the constant handling. Where the catalogue is not printed the card index would be the cheaper in the long run.

It is a matter of note that those libraries which have a permanent librarian are larger, better maintained, and apparently more used by the members than those which have not this advantage. This may seem a confusion of cause and effect but I am sure that these libraries owe much of their success to the painstaking care of the librarians, where the comfort and convenience of the readers has his or her special attention. Membership in such an association is of more value than if a roomful of books merely is provided, and those libraries which have one are proof of the wisdom of making the necessary allowances for salary. They are in better order, cleaner, and books are prevented from going astray. I was assured in St. Thomas that the success of the Elgin Law Association dates from the employment by them of a permanent librarian. Some of the libraries are too small, but wherever the size of the library would warrant it I think every encouragement should be given the Associations to employ a permanent librarian.

The decrease in the amount of the government grant, with the multiplication of libraries, is a matter of vital concern to the smaller ones, as they have no means of increasing their incomes, their fees being high already.

In many counties a grant in money could be obtained, I am informed, from the County Council, did the Municipal Act allow, and it was suggested that your honorable body might take this matter into their consideration and take action towards obtaining such amendment to the Municipal Act as is desirable.

It is also worthy of notice that where the Judges and Local Masters take an interest, the Association is active and the library better looked after.

I have made and attach hereto a separate report as to each library for the purpose of reference.

Dated at Toronto this 20th day of September, 1900.

DUNCAN DONALD.

MICHAELMAS TERM 1900.

Tuesday, 20th November.

Present: The Treasurer and Messrs. Barwick, Bayly, Bruce, Chrysler, Douglas, Edwards, Gibbons, Guthrie, Hoskin, Idington, Kerr, Lash, Martin, Maclellan, Osler, Ritchie, and Strathy.

Ordered on a report of the Legal Education Committee that the following gentlemen be called to the Bar and do receive their certificate of fitness as solicitors:—Messrs. J. A. Wilson, O. D. Garbutt, J. L. Taugher, M. R. Gooderham, J. A. Primeau, C. S. Cameron, H. L. Boldrick, W. B. S. Craig, A. N. P. Morgan. That Messrs. Wilson, Garbutt and Taugher be called with honours, and that Mr. Wilson do receive a gold medal. That Mr. W. S. West (who had already received his certificate of fitness) be called to the Bar. That Mr. A. J. Beatty's service be allowed, and that he be called to the Bar and receive his

certificate of fitness. That Messrs. J. B. Cordingley, W. W. Denison, T. N. Monahan and M. G. Powell be admitted as students of the matriculant class as of Michaelmas Term.

The following gentlemen were then introduced and called to the Bar: Messrs. J. A. Wilson (with honours and gold medal), O. D. Garbutt and J. L. Taugher (with honours), also Messrs. M. R. Gooderham, A. J. Beatty, J. A. Primeau, C. S. Cameron, H. L. Boldrick, W. B. S. Craig, A. N. P. Morgan and W. S. West.

Convocation, pursuant to the order in that behalf under which a special call of the Bench had been made for to-day, proceeded to the election of a Benchers. Mr. Colin Macdougall was elected a Benchers.

The motion of which notice had been given by Mr. Shepley respecting examination papers, and the motion of which Mr. Watson had given notice respecting examiners' returns were adjourned until the 7th December.

The motion of which Mr. Idington had given notice, 21st September, 1900: "That the question of the publication of a new digest, either consolidated or for five or ten years, be considered and determined," was then taken up.

The letter of Mr. Osler of the 19th inst., addressed to the Treasurer, was then read.

Mr. Idington then moved: That it is desirable to have a general consolidated digest of all Ontario Reports, and if available or practicable of the reports of all the provinces of the Dominion, including the courts of ultimate appeal relating to such cases, at a reasonable price, within a reasonable limit of time, and that a committee be appointed to ascertain and determine the best method of attaining this or so much thereof as found practicable, and have power to advertise and take such other steps as may be necessary to place before Convocation information in detail to enable members of Convocation to feel that the profession will get the digest at a reasonable price and the work be done in a proper manner or such as may be approved of.

It was moved by Mr. Ritchie, seconded by Mr. Gibbons, by way of substitution for the foregoing motion: That the contract for the compilation of a Century Digest be carried out and that the editor be urged to complete the work as soon as possible, and that it be left until a later date to arrange for the publication, and that the resolution of the 21st September, 1900, be rescinded.

Mr. Ritchie's amendment was declared carried on a division.

The letter of Mr. E. Harley, Judgment Clerk, asking that he be supplied with the law reports in the same manner as certain other officials, was read, and Convocation declined to accede to the request.

The letter of the Deputy Attorney-General, of the 1st October, 1900, enclosing a despatch from the Secretary of State for the Colonies, relating to the admission of English, Irish and Scotch solicitors to practice in English Colonies, and the further letter of the 5th of October, 1900, sent in reply to the former communication from the Secretary of State for the Colonies, were read; and referred to the Legal Education Committee for report and draft of a reply thereto.

The application of Mr. T. T. Rolph, Reporter of Practice Cases, for an increase of salary was read, and referred to the Reporting Committee for report to Convocation.

The petition of the Osgoode and Literary Society for a grant in aid of the objects of the Society, and the petition of the Osgoode Association Football Club were read, and were both referred to the Legal Education Committee to report generally upon the formation of students' societies, and how, if at all, they should be aided by Convocation.

It was then moved by Mr. Idington and ordered:—That Messrs. Martin, Ritchie, Osler, Lash and Idington be a committee to ascertain and report the best method of carrying out the publication of the digest compilation, when fully completed; with power to advertise for tenders, to state such terms as will enable Convocation to furnish the digest to members at a reasonable price, and secure the work being done in a proper manner, such committee to report on the first day of next Term after which the question of publication will be disposed of.

Moved by Mr. Barwick and seconded by Mr. Lash, and ordered:—That a suitable flagstaff be erected upon Osgoode Hall and also a Union Jack provided, the above resolution to be carried out by a committee consisting of Messrs. Hoskin, Lash and Barwick.

Mr. Ritchie, on behalf of Mr. Osler gave notice as follows:—That on Wednesday 21st November a rule will be introduced to alter the rules relating to the reporters so as to detach one of the reporters from exclusive duties in the Chancery Division, and to assign to him the duty of reporting in any of the divisions of the High Court or in the Court of Appeal or in election courts, as he may be from time to time directed by the editor, under resolutions of Convocation or otherwise—the object being to equalize the work of reporting between the officers, the reporter of the Court of Appeal having at present too large a proportion of the whole work of reporting assigned to him.

That on Wednesday, 21st November, 1900, a rule or resolution will be introduced to discontinue the present series of Ontario Reports, Appeal Reports, Practice Reports, and Election Cases as of the 31st December, 1900, and to commence with the century a new series which shall include the reports of the High Court, Court of Appeal, Practice and Election Cases selected for publication, and that such new series shall be called and known as the Ontario Law Reports.

Convocation then rose.

Wednesday, 21st Nov., 1900.

Present: The Treasurer, and Messrs. Britton, Douglas, Lash, Riddell, Ritchie, Robinson and Strathy.

Mr. Lash from the Joint Committee composed of the Finance and Legal Education Committees appointed on the 21st day of September, 1900, in relation to the resolutions passed at a meeting of delegates from the County Law Associations and forwarded to the Law Society, presented a report. The report was read and ordered to be taken into consideration on the 7th Dec. next.

Pursuant to notice given by Mr. Ritchie on behalf of Mr. Osler, the draft rules to alter the rules relating to the reporters and to discontinue the present series of reports as of the 31st Dec., 1900, were introduced. Mr. Ritchie moved the first reading of the said draft rules, and the same were referred to the Reporting Committee for consideration and report.

Mr. Idington was appointed convener of the Special Committee appointed on the 20th inst. in relation to the publication of the digest compilation.

Ordered on a report of the Legal Education Committee that Mr. J. A. Milne (who had already been called to the bar) do receive his certificate of fitness as a solicitor.

Mr. Riddell gave notice that at the next meeting of Convocation he would move: That a committee be appointed to wait upon the Ontario Government and represent to the Government the advisability in the public interests of appointing members of the legal profession to positions requiring a knowledge on the part of the incumbent of law or of the practice of the Courts.

Convocation then rose.

Friday, 7th Dec., 1900.

Present: The Treasurer, and Messrs. Bayly, Bell, Bruce, Edwards, Guthrie, Lash, Martin, Osler, Riddell, Robinson and Watson.

Ordered on a report from the Legal Education Committee: That Mr. F. L. Davidson be called to the bar and do receive his certificate of fitness as a solicitor: That Messrs. P. S. Shillington and F. W. Lundy be admitted as students-at-law of the matriculant class as of Michaelmas term, 1900, on condition of their notices remaining posted in accordance with the rule, and that the application of Mr. W. R. Meredith, Jr., to have his admission reckoned as of Easter term, 1900, be refused.

The report of the Joint Committee composed of the Finance and Legal Education Committees appointed on the 21st Sept., 1900, to consider and report upon certain resolutions passed at a meeting of representatives of County Law Associations held at Toronto on the 30th June, 1900, which had been ordered for consideration to-day, was then taken into consideration, as follows:—

The Joint Committee, composed of the Legal Education Committee and the Finance Committee, having been appointed by Convocation on 21st September last, to consider and report upon certain resolutions passed at a meeting of representatives of the County Law Associations, held at Toronto, on 30th June last, a copy of which resolutions were forwarded to the secretary of the Law Society, and are as follows:

1. That the Law Society be requested to take further steps to equalize the receipts and disbursements on account of the Law School, with a view to providing funds to further assist County Law Library Associations.

2. That the Benchers be recommended to increase the annual fee payable by students for attendance at the Law School to \$50, commencing with 1901 to be increased annually thereafter \$10 till it reaches \$100.

3. That the Benchers of the Law Society be requested to employ a person to act as a detective for the purpose of reporting conveyancers and others who practice illegally not only in the High and County Courts but also in the Surrogate Court.

Your Committee, jointly composed as aforesaid, beg leave to report upon the said resolutions of the representatives of County Law Associations as follows:—

Upon the 8th of December, 1899, the Special Committee, consisting of the chairmen of the Standing Committees, and Messrs. Strathy, Barwick and Shepley, to whom was referred a report of the meeting of the delegates from the County Law Associations, held at Toronto, on 3rd July, 1899, reported to Convocation as follows:

Your Committee finds that the deficiency occasioned by the establishment and carrying on of the Law School is not so great as might from a cursory examination of the matter appear, but your Committee, looking at the state of the finances of the Society, and considering the fees charged by the Medical and other technical schools of a character similar to that of the Law School, is of the opinion that the time has come when the fees to students attending the Law School should fairly be increased to the sum of \$40 per yearly term on and after the 1st day of September, 1900, and for the two following yearly terms, instead of \$25 as at present; and that thereafter, namely, on and after the 1st day of September, 1903, the yearly term fee be \$50.

Dated this 7th day of December, 1899.

(Sgd.) H. H. STRATHY, *Chairman*.

That the report was adopted by Convocation.

Your Committee find that the annual fees payable by students of the following Canadian Law Schools are as follows :

Laval	\$50
Dalhousie.....	40
King's College, N.S.	30
McGill	52

Your Committee recommend that, commencing on the 1st day of September, 1901, the yearly term fee to be paid by students attending the Law School be fifty dollars ; and that the question of further increases for the future should be left for the future action of Convocation.

With reference to the request that a person be employed to act as detective for the purpose of reporting conveyancers and others who practice illegally in the High and County Courts and Surrogate Courts, your Committee find that in Trinity Term, 1890, a Special Committee of Convocation, to whom had been referred the letters of duly qualified legal practitioners, addressed to the Law Society, accompanied by evidence charging that a certain person had been practicing in the way of procuring probate of wills in the Surrogate Court, reported as follows :—

That it is the right of the members of the Society to call upon it to protect the profession against the unlawful encroachments of those who not belonging thereto practice or assume to practice in legal matters contrary to the Statute in that behalf, and that the Society in cases thought by Convocation of sufficient moment should assume the burden of prosecuting such offenders.

That no prosecution, however, should be undertaken unless authorized by Convocation upon the report of a Committee by whom the complaint and the evidence in support thereof has been investigated, and such Committee may, if it thinks fit, obtain the assistance of the solicitor in making such investigation.

Convocation adopted this report.

Your Committee are of the opinion that it would not be in the best interests of the profession that a detective should be employed for the purpose referred to ; but your Committee recommend that any solicitor having a complaint to make against any person acting in any of the Courts as a solicitor without having been duly enrolled as such, do make such complaint to the Secretary of the Law Society (who is to treat as confidential the name of such complainant) and it shall be the duty of the said Secretary to make enquiry from the local Judge or other local court official as to the matter complained of, and to report the said complaint and any information obtained by him to the Chairman of the Discipline Committee who is thereupon through his Committee (but without disclosing the name of the original complainant) to submit the whole question to Convocation for action.

All of which is respectfully submitted.

Mr. Edwards moved, seconded by Mr. Guthrie, that the report be amended by striking out the words “and that the question of further increases for the future should be left for the future action of Convocation,” and substituting therefor the words : “to be increased annually thereafter \$10 till it reaches \$100.” The amendment was lost and the report as a whole adopted.

Mr. Riddell then moved in accordance with notice given at the last meeting of Convocation for the appointment of a Committee to wait upon the Ontario Government. The motion was declared lost on a division.

At the request of the Chairman of the Legal Education Committee, the motion of which Mr. Watson had given notice respecting the Examiners' reports on the results of examinations was withdrawn.

Mr. Bruce submitted the following statement of fees received from students and of amounts paid in by students in the following years :—

RECEIPTS.	1898.	1899.
Students' admission fees.....	\$2,350.00	\$3,150.00
Law School tuition fees.....	3,485.00	3,687.50
Solicitors' examination fees.....	5,440.00	3,520.00
Call fees (ordinary cases).....	9,160.00	6,220.00
	<u>\$20,435.00</u>	<u>\$16,577.50</u>

EXPENDITURE ON LAW SCHOOL.	1898.	1899.
Principal.....	\$5,000.00	\$5,000.00
Four lecturers.....	6,000.00	6,000.00
Examiners.....	1,050.00	1,050.00
Scrutineers at examination.....	260.00	302.50
Scholarships and medals.....	934.91	768.51
Printing and stationery.....	512.15	373.03
Caretaking, light, heating, furniture and maintenance.....	1,173.65	1,021.46
	<u>\$14,930.71</u>	<u>\$14,515.50</u>

and gave notice of the following motion: That there be recorded in the minutes and published in the resume with the report of the Joint Committee the statement now submitted shewing the amounts paid by law students in 1898 and 1899, and of the expenditures in connection with the Law School in those years.

The motion of which Mr. Shepley had given notice in respect to the submission of Examination papers to the staff of the Law School was referred to the Legal Education Committee for report.

Convocation then rose.

LAW SOCIETY OF UPPER CANADA.

Special meeting of Convocation held on the 11th January, 1901, called by the Treasurer in pursuance of Rule 11, to consider the circular of the Attorney-General of the 1st December, 1900, as to the increase of the jurisdictions of the Division Courts and County Courts and various matters of practice.

Present: Messrs. Aylesworth, Barwick, Bayly, Britton, Bruce, Clarke, Douglas, Edwards, Guthrie, Idington, Kerr, Martin, MacLennan, Ritchie, Robinson, Teetzel, Watson and Wilkes.

In the absence of the Treasurer, Mr. Martin was appointed Chairman.

The circular of the Attorney-General was read as well as Resolutions and Reports from the following Law Associations: Brant, Bruce, Essex, Frontenac, Grey, Hastings, Hamilton, Huron, Middlesex, Ontario, Oxford, Perth, Peterborough, Simcoe, Stormont, Welland, Wellington.

Mr. Watson, as one of the gentlemen who signed the request for the calling of the meeting, opened the discussion of the subjects of the circular and read a report of Mr. A. H. Marsh, Q.C., who had been requested to visit Buffalo and obtain information as to the practice in reference to costs and agreements thereon with clients and the working thereof in the State of New York, and a general discussion of the questions ensued.

Mr. Martin being called away, Mr. Robinson was appointed Chairman. Moved by Mr. Idington, seconded by Mr. Bruce, and ordered that Messrs. Martin, Idington, Strathy, Ritchie, Watson and Aylesworth, be a special Committee (Mr. Watson Convener) to consider all material before Convocation and call in for joint consultation one representative from each county to endeavour to arrive at a course of united action and representation to the Honourable the Attorney-General of the result of such deliberations. 28

Convocation entered into consideration of the various topics raised on the letter of the Attorney-General with the following results:

Resolved, unanimously, that Convocation is of the opinion that the jurisdiction of the Division Court should not be increased;

Resolved, that Convocation is of opinion that the jurisdiction of the County Courts should be increased. That County Courts should not be abolished. That the Judges of the County Courts should not be made Judges of the High Court, and should not be given exclusive jurisdiction in their own Counties. That upon the questions whether there should be one sitting in the spring and one in the autumn for the trial of cases with a jury, including the criminal business of both the Courts of Oyer and Terminer and the General Sessions, and the business to be disposed of by the High Court Judge held first, the Local Judge disposing of the remainder. Convocation answers in the negative;

That Convocation is unanimously of the opinion that costs in County Courts are not, under the present procedure, excessive;

That on the question whether instead of taxed costs a limited sum having relation to the amount recovered be allowed, Convocation answers in the negative;

That solicitors should be permitted to make an agreement with a client respecting the amount and manner of payment for past or future services.

Convocation then rose.

HILARY TERM, 1901.

Tuesday, 5th February.

Present: The Treasurer and Messrs. Aylesworth, Barwick, Bruce, Douglas, Edwards, Guthrie, Hogg, Idington, Lash, Martin, Riddell, Ritchie, Shepley, Strathy, Teetzel, and Watson.

The Treasurer announced that news had arrived this morning that Britton Bath Osler, a member of the Convocation, died to-day at Atlantic City, N.J.

Ordered that Mr. Thomas Brown, a solicitor of over ten years' standing, be called to the Bar.

Ordered, upon reports from the Legal Education Committee, that Mr. R. H. M. Temple be called to the Bar and do receive his certificate of fitness. That Messrs. C. S. Wilkie and H. A. C. Machin (3rd year), and A. J. Poynter (2nd year) be allowed their Christmas examinations, and that on attending lectures for the remainder of the term a special examination be allowed them. That Mr. G. G. Thrasher, on compliance with the rules and payment of fees required in special cases, be called to the Bar. That Convocation do request the judges to give the necessary directions for admitting law students to the Court Rooms during trials on their presenting tickets furnished under rules of the Law Society.

It was resolved that no Student's Club or Society shall be recognized as connected with the Law School or as representative thereof, nor shall it be entitled to bear the name "Osgoode," "Osgoode Hall," "Law School," "Law Society," "Law Students," or other similar name, unless and until it shall have been affiliated with the Osgoode Legal and Literary Society as a branch thereof, and unless and until its constitution and rules or by-laws have been approved of by a Committee consisting of the Treasurer, the Chairman of the Legal Education Committee, the Principal of the Law School, and the President of the Osgoode Legal and Literary Society.

Mr. Lash moved to introduce a draft rule in the terms of the above resolution which was read a first and a second time and ordered for a third reading at next meeting.

Mr. Duncan Donald was appointed Inspector of County Libraries for the ensuing year.

The Secretary laid on the table an alphabetical list or register of members of the Bar entitled to vote at the election of Benchers pursuant to R.S.O. ch. 172, sec. 17.

Mr. Martin gave notice that he would to-morrow move the appointment of Mr. Huson W. M. Murray as one of the scrutineers at the coming election of Benchers pursuant to R.S.O. ch. 172, sec. 6, and Mr. Aylesworth gave notice that he would to-morrow move the appointment of Mr. J. E. Robertson as one of the said scrutineers.

Mr. Aylesworth, on behalf of Mr. Watson, gave notice that he would to-morrow move that Mr. C. H. Ritchie be appointed to act for and as the Treasurer in case he should be absent during the meeting of the scrutineers, pursuant to R.S.O. ch. 172, sec. 6.

Mr. Ritchie, on behalf of the Reporting Committee, reported as follows:

Your Committee have had under consideration the question of the consolidation of the Reports into one series and beg to report as follows: They recommend that, beginning with the year 1901, the Reports of the Court of Appeal, the Ontario Reports, the Practice Reports, and the Election Reports, be consolidated in a uniform series under the title of the "Ontario Law Reports," to be numbered consecutively beginning with Number One, to have the year printed at the head of each page and on the back of the bound volume, but the citation may be made independently of the year, and not as in the English system. It is expected that at present the reports of each year will be comprised in three volumes.

Your Committee have also considered the question of adopting the size of page, 7x4, of the English reports, instead of the size, 6½x3½, as in the Canadian reports, and find that the contractor puts the extra cost per page at 15 cents.

Your Committee have not been able to determine whether or not in the result the change will involve any additional expense to the Society. They recommend the adoption of the size of the English Reports, and the style of type and printing of same, if upon investigation it be found that the expense of printing will not be materially increased.

Your Committee have also considered the question of the position of the Reporters, which would be affected by the proposed changes, and beg to report that it is desirable that clause 3 of Rule 37 be repealed, and the following substituted therefor:

(3) Six Reporters for the Court of Appeal, the High Court of Justice, the Dominion and the Provincial Election Courts, their work to include decisions on matters of practice in all the said Courts; and the reporting shall, as nearly as possible, be equally divided between the Reporters by the Editor under the direction of Convocation.

That Rules 49, 50 and 51 be repealed, and the following be substituted for Rule 49:—The salaries of each of the Reporters shall be twelve hundred dollars per annum.

Your Committee recommend that the gentlemen who fill the following positions, namely—the present Reporter for the Court of Appeal, the four Joint-Reporters for the High Court of Justice, and the Reporter of decisions on matters of practice, be continued as Reporters under the new rules until the expiry of the terms of their present engagements.

The Report was adopted, and the draft rules set out in the Report (having been the subject of the draft rule read a first time on the 21st November, 1900) were read a second and third time and passed.

Mr. Barwick was appointed a member of the Reporting Committee in the place of Mr. Osler, deceased.

The matter of the style of the page of the Reports was referred to the Reporting Committee to make an arrangement with the printers in respect thereof.

The report of the Library Committee was presented. [The Report has been printed and distributed to the profession with the Law Reports.]

The Secretary was instructed to communicate with the Mayor of Toronto and call attention to the great inconvenience occasioned to the Judges and the Bar in the conduct of trials at the Toronto Court House, owing to the delay in making arrangements for the preparation of the library for the reception of books and the use of the County of York Law Association.

Wednesday, 6th February.

Present: The Treasurer and Messrs. Douglas, Riddell, Ritchie, Strathy and Wilkes.

It was moved by Mr. Douglas and seconded by Mr. Strathy, that the Treasurer and Messrs. Lash, Shepley and Riddell be a Special Committee to draft a minute proper to be placed upon our records relating to the death of our late Sovereign; and also a minute relating to the death of the late Mr. Osler.

The draft rule in respect to the formation of Law Students' Societies was read a third time and passed.

Messrs. Huson W. M. Murray, K.C., and J. E. Robertson were appointed scrutineers at the coming election of Benchers. Mr. C. H. Ritchie was appointed to act as and for the Treasurer, in case he should be absent during the meeting of the scrutineers to count the votes.

Friday, 15th February.

Present: The Treasurer and Messrs. Aylesworth, Barwick, Bayly, Britton, Bruce, Hoskin, Hogg, Idington, Lash, Martin, Riddell, Ritchie, Robinson, Shepley, Strathy, Teetzel and Watson.

Dr. Hoskin from the Discipline Committee reported:

1. Upon the complaint of the Cuban Cigar Co. against Messrs. A. & B.; that the complainants should be informed that if they have suffered any injury they have a remedy by application to the Courts. Ordered accordingly.

2. Upon the complaint of Sarah Forth against Mr. C. D., that the complainant should be informed that if she has suffered any injury she has a remedy by application to the Courts. Ordered accordingly.

3. Upon the complaint of P. M. Bawtinheimer against Mr. E. F., that the complainant should be informed that proceedings should be taken at law for the

recovery of the monies in question, and that after that question shall have been disposed of the committee would again consider the complaint. Ordered accordingly.

Mr. Bruce, from the Committee on Journals and Printing, presented a report submitting the form of voting-paper at the ensuing election of Benchers, the list of Benchers *ex officio*, and of elected Benchers whose term of office is about to expire, and a circular of instructions to be sent to members of the Bar. The Report was adopted.

Ordered on a Report from the Reporting Committee that the change in size and style of page of the Reports be adopted, and that all necessary amendments to the contract be authorized.

The Quarterly Report of the Editor on the state of the reporting was presented by the Reporting Committee as follows:—The work of reporting is in a forward condition. All Appeal Cases up to the end of 1900 are ready to issue, as are also all Practice Cases up to the same time. In the Ontario Reports there are five cases of December the reports of which are incomplete. When these are ready, all cases to the end of 1900 will have been published. A small volume of Election Cases is also ready to issue.

Mr. Watson, from the Finance Committee, presented the estimate of receipts and disbursements for the ensuing year. Mr. Watson, from the same Committee, presented the statement of receipts and expenditure for the year 1900, which was ordered to be printed and distributed to the profession.

Mr. Watson, from the same Committee, reported the new arrangement entered into with the Dominion Government for obtaining the Supreme Court Reports for the profession.

Mr. Lash, from the Legal Education Committee, having reported as to the qualifications of students to obtain the pass standing at the Christmas Examinations, and the Report being adopted, the following rule was read a first and a second time, and by unanimous consent was read a third time and passed:—"Provided always that in the case of students of the second and third years, who may not have obtained sufficient marks at the Christmas Examinations (including those held in 1900) entitling them to pass such examinations, but who have obtained not less than 29 per cent. on each paper and not less than 40 per cent. on the whole—the results of the Christmas Examinations and those held at the close of the term shall be combined, but such students shall be ranked in a separate class."

Convocation ordered that a minute be made expressing its participation in the profound sorrow with which the news of the death of Her late Majesty Victoria, which took place at Osborne House, Isle of Wight, on the 22nd January, 1901, was received throughout the Empire. This minute is made accordingly.

Convocation ordered a minute to be made recording the sincere and deep regret with which Convocation learned of the death of one of its members, Britton Bath Osler, K.C., which took place on the 5th February, 1901.

He was called to the Bar in Trinity Term, 1862, and was elected a member of Convocation in Easter Term, 1880. On 13th March, 1876, he was appointed by the Lieutenant-Governor for Ontario in Council a Queen's Counsel; and on 11th October, 1880, he was appointed by the Governor-General in Council a Queen's Counsel for Ontario.

This minute is made accordingly.

The letters of Messrs. Huson Murray, K.C., and J. E. Robertson accepting the appointments as Scrutineers were read.

The letter dated 8th February, 1901, of His Worship, the Mayor of Toronto, stating that the Secretary's communication as to the accommodation for the County of York Law Association would be laid before the Board of Control was read.

Ordered that the Finance Committee be called upon to report to Convocation upon the advantages or desirability of fifty thousand dollars being invested in the debentures of Loan Companies, or other approved securities.

Convocation then rose.

STATEMENT OF RECEIPTS AND EXPENDITURE OF THE LAW SOCIETY

FOR THE YEAR ENDING 31ST OF DECEMBER, 1900.

PURSUANT TO R. S. O. (CHAPTER 172, SECTION 53).

The figures on the left are the corresponding items for the year 1899.

RECEIPTS.		1900
1899		
Solicitors' Certificates :		
	Paid after the beginning of the year, but payable the Michaelmas previous.....	\$ 3,019 00
\$ 3,881 00	Fines Collected.....	225 75
369 00	Fees and Fines in arrear prior to the preceding Michaelmas	572 25
993 30	Payable in Michaelmas of the current year.	21,990 00
22,425 00		
\$27,668 30		\$25,807 00
Barristers' Annual Fees :		
	Paid after the beginning of the year, but payable the Michaelmas previous.....	\$ 413 00
\$ 548 00	In arrear prior to the Michaelmas of the preceding year	179 00
180 00	Payable in Michaelmas of the current year.	2,846 00
2,906 00		
\$ 3,634 00		\$ 3,438 00
192 00	Notice Fees.....	124 00
\$ 3,350 00	Students' Admission Fees.....	\$ 2,800 00
200 00	Less Fees returned.....	150 00
\$ 3,150 00		\$ 2,650 00
123 00	Fees on Petitions and Diplomas	123 00
3,687 50	Law School Tuition Fees.....	5,240 00
\$ 3,700 00	Solicitors' Examination Fees	
180 00	Less Fees returned	
\$ 3,520 00		\$ 3,470 00
	Call Fees under 57 Vict. cap. 44 and other Cases.....	\$ 200 00
\$ 1,100 00	Call Fees in Ordinary Cases.....	5,820 00
6,320 00		\$ 6,020 00
\$ 7,420 00		
100 00	Less Fees returned	300 00
\$ 7,320 00		\$ 5,720 00
\$49,294 80	Carried forward	\$46,572 00

\$49,294 80	Brought forward.....	\$46,572 00
416 30	Receipts from Sales of Reports	
47 25	“ “ “ Ontario Digest.	
	Receipts from Sales of Reports and Digest to the new publishers	2,703 98
	County Library Loans returned :—	
\$100 00	Hamilton	
66 00	Essex	30 00
16 00	Norfolk.....	16 00
34 50	Peterboro'	34 50
10 80	Bruce	
	Leeds	52 50
18 00	Grey	18 00
32 50	Perth	32 50
	Lindsay	50 00
\$ 277 80		233 50
62 23	Commission on Telegraph Messages.....	53 44
2,625 63	Interest and Dividends.....	2,551 67
3 50	Fines in respect of Students' Lending Library.....	3 30
65	Unforeseen	
	Grant from Ontario Government in aid of Telegraph and Telephone Service.....	175 00
175 00	Subscriptions for Statutes for 1900.....	532 00
	“ “ “ “ 1901.....	430 00
		962 00
\$52,903 16	Grand Total.....	\$53,254 89

EXPENDITURE.

REPORTS :—

\$ 5,172 41	Printing Reports	\$ 2,599 67
	Salaries :—	
\$ 2,000 00	Editor.....	\$2,000 00
1,200 00	Reporter, Q. B. D.	1,200 00
1,200 00	“ C. P. D.	1,200 00
1,200 00	“ Chy. D.	1,200 00
1,200 00	“ “	1,200 00
1,200 00	“ Court of Appeal	1,200 00
900 00	“ Practice Cases	900 00
\$ 8,900 00		\$ 8,900 00
\$14,072 41		\$11,499 67

COST OF CONSOLIDATED DIGEST :—

	Amount paid to the Editor-in-Chief, Mr. J. F. Smith, as progressive payments	
\$ 2,500 00	on account of the compilation.....	\$2,500 00
20 00	Stationery and Material	
\$ 2,520 00		\$ 2,500 00

LAW SCHOOL :—

	Salaries :—	
\$ 5,000 00	Principal.....	\$ 5,000 00
6,000 00	Four Lecturers at \$1,500 each	6,000 00
1,050 00	Salaries of Examiners	1,500 00
\$12,050 00		\$12,500 00
\$16,592 41	Carried forward.....	\$13,999 67

\$16,592 41	\$12,050 00	Brought forward	\$12,500 00	\$13,999 67
	302 50	Scrutineers at Examinations.....	217 30	
	373 05	Printing and Stationery.....	283 50	
	768 51	Scholarships and Medals.....	819 78	
		Caretaking, Light, Heating, Furniture		
	1,021 44	and Maintenance.....	756 70	
\$14,515 50	————		————	\$14,577 28

LIBRARY :—

\$4,238 89	Books.....	\$3,355 96
338 20	Binding and Repairs.....	268 90
206 12	Maintenance, including Stationery	158 15

Salaries :—

\$1,800 00	Librarian	\$1,800 00
1,000 00	Asst. Librarian	1,000 00
	Attendants during	
181 50	evenings	180 25

	2,981 50	————	2,980 25	
\$7,764 71	————		————	\$6,763 26

LIBRARY CATALOGUE	\$673 20
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LAW COSTS :—

100 00	Solicitors' Allowance.....	\$100 00
419 30	Taxed Costs and Counsel Fees.....	267 55
\$519 30	————	———— \$367 55

\$695 20	TELEGRAPH AND TELEPHONE OFFICE	\$695 20
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LIGHT, HEATING, WATER, GROUNDS, AND

INSURANCE :—

	Payment to Ontario Government for Steam	
\$ 890 00	Heating	\$ 890 00
511 03	Lighting	555 82
138 29	Heating	95 02
104 60	Water.....	190 94
1,019 65	Grounds.....	1,021 23
	Insurance for 3 years on East Wing and	
264 10	Library	1,233 00
	Insurance on Law School.....	40 40
	“ “ Stock of Reports.....	33 56
	Rent for Safe Deposit Drawer for In-	
8 00	ventories	8 00
		<hr/> \$4,067 97

1,550 62	ADDITIONS, ALTERATIONS, REPAIRS AND FURNITURE.....	362 62
\$44,573 41	Carried forward.....	\$41,506 75

\$44,573 41

Expenditure—Brought forward \$41,506 75

COUNTY LIBRARIES AID :—

Annual Grants.

\$122 00	Brant	\$123 33
42 00	Bruce	46 00
440 00	Carleton	445 00
115 34	Elgin	140 34
161 66	Essex	171 67
106 00	Frontenac	113 54
105 00	Grey	113 34
527 50	Hamilton	640 00
121 44	Hastings	96 00
193 34	Huron	205 00
	Kent	140 00
185 34	Leeds	202 67
178 34	Lindsay	190 00
492 50	Middlesex	495 00
55 00	Norfolk	65 00
190 50	Ontario	
173 34	Oxford	155 84
107 00	Perth	103 34
163 00	Peterborough	163 00
134 00	Simcoe	116 67
110 00	Waterloo	90 50
67 50	Welland	80 00
170 00	Wellington	185 00
800 00	York	800 00

4,760 80		4,881 24
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	Payment to Inspector, being his fees for two years (1898 and 1899)	
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400 00		
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	Payment to Inspector for 1900	200 00
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Initiatory Grants.

500 00	Kent	\$.....
	Rainy River	280 00
\$5,660 80	Stormont, Dundas & Glengarry ..	720 00
		1,000 00

\$6,081 24

Loans.

525 00	Leeds	
500 00	Lindsay	
\$1,025 00		

SECRETARIAT AND CARETAKING :—

\$1,500 00	Secretary's Salary	\$1,500 00
100 00	Auditor's Fee	100 00
525 00	Caretaker's Wages	525 00
132 56	General Expenses and Housecleaning	166 93
\$2,257 56		\$2,291 93

\$271 75	PRINTING, ADVERTISING AND STATIONERY	\$267 75
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\$53,788 52	Carried forward	\$50,147 67
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\$53,788 52	Expenditure—Brought forward	\$50,147 67
	SUPREME COURT REPORTS :—	
	Balance of Subscription to Vol. 28 and subscription to Vol. 29 as per contract with the Dominion Government	
2,083 75	Balance of Subscription to Vol. 29 and subscription to Vol. 30 as per contract with the Government.....	2,258 75
	ENTERTAINMENT OF DELEGATES TO INTERNATIONAL LAW ASSOCIATION	
68 35	STATUTES :—	
	Payments made for Supply of Ontario and Dominion Statutes to Members of the Profession subscribing through the Law Society.....	505 40
	MISCELLANEOUS :—	
\$329 90	Term Lunches.....	\$347 00
250 00	Grant to Widow of the late Secretary.....	250 00
39 47	Postage	77 10
6 58	Telegrams.....	3 02
3 00	Rent of Box in Safe Deposit Vaults.....	3 00
19 50	Ice for the year.....	21 45
13 35	Miscellaneous.....	7 39
6 08	Express and Freight Charges.....	4 65
10 00	Grant in aid of Circuit Guide.....	10 00
35 00	Engrossing Resolution of Condolence.....	
25 00	Grant in aid of Students' Football Club.....	
	Grant in aid of Students' Baseball Club.....	25 00
737 88	-----	748 61
<u>\$56,678 50</u>		<u>\$53,660 43</u>

TORONTO,

10th January, 1901.

Audited and found correct,

W. H. CROSS,

Auditor.

Law Society of Upper Canada.

To the Treasurer and Benchers in Convocation Assembled:—

30

The Library Committee begs leave to report as follows:—

Your Committee submits herewith the Librarian's Report for the year 1900, and recommends that the said Report be printed and distributed with the next number of the current Reports.

A. B. AYLESWORTH,

Chairman.

February 5th, 1901.

THE LIBRARY,
OSGOODE HALL, TORONTO,
FEBRUARY 4TH, 1901.

*To the Chairman and Members of the Library
Committee of the Law Society of Upper Canada.*

The Librarian begs to submit his report for the year 1900, as follows:—

The total ordinary expenditure upon Library account during the year was \$6,746.35. This sum was expended as follows:—

Books and Periodicals,	-	-	\$3,172.96
Binding,	-	-	268.90
Re-binding, Repairs, etc.,	-	-	145.30
Stationery and Sundries,	-	-	178.94
Salaries,	-	-	2,980.25
			<u>\$6,746.35</u>

Details of the expenditure for Books and Periodicals are given in statements which accompany this report; also an estimate of the expenditures for the current year.

An additional sum of \$673.20 was expended in the publication of a Subject-Index to the contents of the Library, 300 copies of which were printed. The sum of \$1200 has been added to the estimates for this year to defray the cost of publication of an Author-catalogue of the books in the Library, which will include as well detailed lists of all the reports and statutes. The greater part of the material for this work has already been prepared.

The number of bound volumes added to the Library last year was 909. Of these, 636 were purchased, 173 were taken in as periodicals and subsequently bound, and

100 were presented. A classified list of these accessions, and a list of the presentations, will be found appended to this report.

The bound volumes in the Library now number 30,803, not including 362 unstamped duplicate volumes.

The attendance of readers in the evenings again shows a decrease. The Library was open on 240 evenings during the year, and the attendance was as follows :—

		Total.	Average.
Barristers,	- -	1,314	5.47
Students, -	- -	1,241	5.17
		<hr/>	<hr/>
		2,555	10.64

All of which is respectfully submitted.

W. GEO. EAKINS,
Librarian.

EXPENDITURE, 1900.

Books, Periodicals, etc.:—	
Books and Pamphlets	\$2,632 03
Periodicals	446 81
Stamping	29 60
Freight	64 52
	<hr/> \$3,172 96
Binding	268 90
Re-binding, Repairs, etc.	145 30
Stationery and Sundries	178 94
Salaries	2,980 25
	<hr/> \$6,746 35
Cost of printing Subject Index	<hr/> 673 20

ESTIMATED EXPENDITURES, 1901.

Books, Periodicals, etc.:—	
Books and Pamphlets	\$4,100 00
Periodicals	500 00
Stamping	75 00
Freight	75 00
	<hr/> \$4,750 00
Binding	350 00
Re-binding, Repairs, etc.	200 00
Stationery and Sundries	225 00
Salaries	2,975 00
	<hr/> \$8,500 00
Cost of Author section of new Catalogue, not to exceed	<hr/> \$1,200 00

LIBRARY ACCESSIONS, 1900.

	VOLS.	COST.
Texts—Canada	22	\$126 35
“ United Kingdom	74	296 58
“ United States	21	104 75
Reports—Canada	52	91 71
“ United Kingdom	82	318 78
“ Australasia	7	113 00
“ India	8	30 00
“ United States	255	829 32
Statutes—Canada	37	24 60
“ United Kingdom	10	11 44
“ Australasia	2	34 50
“ United States	22	66 73

Digests and Indexes	52	197 89
Parliamentary	102	73 12
Miscellaneous (including Periodicals).....	125	278 62
General Literature.....	38	145 04
	<hr/>	<hr/>
	909	\$2742 43
	<hr/>	<hr/>
Pamphlets	17	\$5 15
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Bound Volumes Purchased	636	
Volumes Bound for the Library.....	173	
Volumes Presented to the Library.....	100	
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	909	

PRESENTATIONS.

Dominion Government—Sessional Papers, Journals, etc.....	19
Ontario Government—Statutes, Sessional Papers, Journals, etc.....	31
Quebec Government—Sessional Papers and Journals.....	4
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Nova Scotia Government—Statutes and Journals.....	2
New Brunswick Government—Statutes and Journals.....	2
N. W. T. Government—Ordinances.....	1
P. E. I. Government—Statutes.....	1
Newfoundland Government—Statutes.....	1
Minister of Education, Ont.—Doc. Hist. of Education, U.C. vol. 7....	1
U.S. Commissioner of Education—Annual Reports.....	3
Geological Survey, Ottawa—Annual Report.....	1
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J. H. Hunter, Esq.—Reports of Inspector of Insurance, etc.....	11
Manitoba Law Society—Manitoba Digest, 1875-99.....	1
Sir Thos. Taylor—Statutes relating to Presbyterian Church in Canada	1
R. Masujima, Tokio—Civil Code in Japan.....	1
Supreme Court of Hawaii—Hawaiian Reports, vol. 12.....	1
Secy. of Commonwealth, Massachusetts—Acts, 1900.....	1
Incorporated Law Society, England—Practice and Usage in Solicitor's Profession	1
Birmingham Law Society—Catalogue of Library.....	2
New York Bar Association—Annual Report.....	1
American Bar Association—Annual Report.....	3
Toronto City Clerk—Minutes of City Council.....	1
University of Toronto—Calendars.....	2
Trinity University—Calendar.....	1
Victoria University—Calendar.....	1
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LAW SOCIETY OF UPPER CANADA.

EASTER TERM.

Tuesday, May 21st, 1901.

At eleven a.m. Present: Messrs. Barwick, Bayly, Bruce, Clarke, Douglas, Glenn, Guthrie, Irving, Lash, Lynch-Staunton, Martin, McKay, MacLennan, McPherson, Riddell, Ritchie, Robinson, Strathy and White.

On motion of Mr. Martin, seconded by Mr. MacLennan, Mr. Irving was appointed Chairman.

The Secretary then read the report of the Scrutineers on the result of the election of Benchers for the five years commencing from the present date, as follows :—

Osgoode Hall, April 15th, 1901.

We, the Scrutineers appointed by the Law Society of Upper Canada, in Hilary Term, to act at the election of Benchers of the Law Society under the Act in that behalf for the next five years, do find and report that the following thirty persons received the highest number of votes at the said election, and are entitled to be declared duly elected as Benchers of the said Society for the period of five years from and after the first day of Easter Term now next ensuing, that is to say:—

- | | |
|----------------------|------------------------|
| 1. A. B. Aylesworth. | 16. R. Bayly. |
| 2. H. H. Strathy. | 17. W. D. Hogg. |
| 3. W. Douglas. | 18. J. V. Teetzel. |
| 4. J. Hoskin. | 19. B. M. Britton. |
| 5. C. Robinson. | 20. W. Barwick. |
| 6. D. B. MacLennan. | 21. A. Bruce. |
| 7. A. H. Clarke. | 22. D. Guthrie. |
| 8. G. C. Gibbons. | 23. W. Kerr. |
| 9. G. F. Shepley. | 24. W. R. Riddell. |
| 10. F. H. Chrysler. | 25. W. R. White. |
| 11. C. H. Ritchie. | 26. J. J. Foy. |
| 12. J. Idington. | 27. Z. A. Lash. |
| 13. J. M. Glenn. | 28. W. D. McPherson. |
| 14. E. Martin. | 29. S. G. McKay. |
| 15. G. H. Watson. | 30. G. Lynch-Staunton. |

Æmilius Irving,
Huson Murray,
J. E. Robertson, Scutineers.

The report was ordered to be fyled.

On motion of Mr. Martin, seconded by Mr. Robinson, Mr. Irving was elected Treasurer for the ensuing year.

The minutes of the last meeting of Convocation (February 15th, 1901) were read and confirmed.

On motion of Mr. Riddell, seconded by Mr. Martin, the following gentlemen were appointed a Special Committee to strike the Standing Committees for the ensuing year:—

Messrs. Robinson, Martin, Douglas, Bruce, Riddell, Strathy and Clarke. Mr. Riddell, on behalf of the Special Committee, reported a list of members of Convocation to compose such Standing Committees. The list, after appointment of Chairmen and additional members, is as follows:—

FINANCE.—Messrs. G. H. Watson, *Chairman*; A. B. Aylesworth, Walter Barwick, B. M. Britton, A. H. Clarke, G. C. Gibbons, John Hoskin, E. Martin, W. D. McPherson, W. R. Riddell, C. H. Ritchie, G. F. Shepley, H. H. Strathy, W. R. White.

REPORTING.—Messrs. C. H. Ritchie, *Chairman*; Walter Barwick, B. M. Britton, J. J. Foy, D. Guthrie, W. D. Hogg, J. Idington, Z. A. Lash, G. Lynch-Staunton, S. G. McKay, W. D. McPherson, W. Proudfoot, G. F. Shepley, J. V. Teetzel.

LIBRARY.—Messrs. A. B. Aylesworth, *Chairman*; S. H. Blake, W. Douglas, J. M. Glenn, J. Idington, G. Lynch-Staunton, W. Proudfoot, W. R. Riddell, C. H. Ritchie, C. Robinson, G. F. Shepley, G. H. Watson.

LEGAL EDUCATION.—Z. A. Lash, *Chairman*; Walter Barwick, R. Bayly, J. M. Glenn, D. Guthrie, G. Lynch-Staunton, E. Martin, W. Proudfoot, W. R. Riddell, C. H. Ritchie, C. Robinson, H. H. Strathy, J. V. Teetzel, G. H. Watson.

DISCIPLINE.—John Hoskin, *Chairman*; Walter Barwick, R. Bayly, A. Bruce, J. J. Foy, W. D. Hogg, W. Kerr, S. G. McKay, D. B. MacLennan, W. D. McPherson, C. Robinson, H. H. Strathy, G. H. Watson, W. R. White.

JOURNALS AND PRINTING.—Messrs. A. Bruce, *Chairman*; A. B. Aylesworth, R. Bayly, F. H. Chrysler, A. H. Clarke, J. J. Foy, G. C. Gibbons, J. M. Glenn, W. Kerr, D. B. MacLennan, J. V. Teetzel, W. R. White.

COUNTY LIBRARIES.—Messrs. E. Martin, *Chairman*; B. M. Britton, A. Bruce, F. H. Chrysler, W. Douglas, G. C. Gibbons, D. Guthrie, J. Idington, W. Kerr, S. G. McKay, W. D. McPherson, H. H. Strathy.

Mr. W. H. Cross was appointed Auditor for the current year ending first day of Easter Term, 1902.

The letter dated 17th April, 1901, of the Deputy Attorney-General was read as follows:

“Dear Sir,

“By direction of the Attorney-General, I enclose a copy of a declaration made by one David Ferguson with regard to some complaints submitted to the Law Society. I shall be much obliged if you will send me a statement of the facts for the information of the Attorney-General.

“Yours truly,

“J. R. CARTWRIGHT.”

Convocation ordered that a copy of the report and the papers laid before the Discipline Committee, also the copy of the resolution adopted by Convocation, be transmitted to Mr. Cartwright, with a request to return same after perusal.

The letter dated 19th April of Mr. Thomas Dawson, Sheriff of Frontenac, addressed to the Treasurer was read. The Secretary was ordered to reply that in the absence of a direct charge against a practitioner, Convocation is not in a position to take up the matter.

Ordered that the complaint of Thomas Phillips against Mr. A. B., be placed in the hands of the acting Chairman of the Discipline Committee.

Moved by Mr. Bayly, seconded by Mr. Martin, that Rule 29 be amended by inserting after the word “Finance,” the words “Reporting, Discipline.” The amending rule was read a first and second time, and it was ordered that it be given the third reading to-morrow.

Ordered that it be referred to the Committee on Journals and Printing to have the Rules of the Society revised and submitted to Convocation with the view of being reprinted. That Mr. Lash be the representative of the Law Society on the Senate of the University of Toronto for the ensuing year. That the Special Committee appointed on the 20th November last to ascertain and report the best method of carrying out the publication of the digest be re-appointed, substituting the name of Mr. Barwick for that of Mr. Osler, with a request that the said Committee do report as early as may be convenient.

Wednesday, May 22nd.

Present:—The Treasurer and Messrs. Aylesworth, Douglas, Glenn, Lash, McKay, McPherson, Ritchie, Strathy, Teetzel and White. Ordered upon a report of the Legal Education Committee that the following gentlemen be called to the Bar and do receive their certificates of fitness as solicitors:—Messrs. S. E. Bolton and A. Macgregor (with honours), also Messrs. T. F. Battle, R. R. Bradley, H. A. Tibbetts, D. B. White, W. A. Grange, T. A. Burgess. That the service of Mr. A. Macgregor be allowed as sufficient. That the notice for call given by Mr. D. B. White be allowed as sufficient. That the service of Mr. H. A. Tibbetts and Mr. A. W. Anderson be allowed as sufficient. That the examination of Mr. C. S. Wilkie of the final year be allowed. That Miss Eva M. Powley, who passed the third year examination in 1900 and has now completed her service, be called to the Bar, and do receive her certificate of fitness under the Rules regulating the admission of women to practice.

The Rule amending Rule No. 29: "That Rule No. 29 be amended by inserting after the words 'Finance' the words 'Reporting, Discipline,'" was read a third time and passed.

Mr. Barwick and Mr. McPherson were appointed members of the Reporting Committee and Mr. Strathy and Mr. Kerr were appointed members of the Discipline Committee.

The following gentlemen were then introduced and called to the Bar:—Messrs. S. E. Bolton and A. Macgregor (with honours), Messrs. T. F. Battle, R. R. Bradley, H. A. Tibbetts, W. A. Grange and T. A. Burgess.

Friday, June 7th.

Present:—The Treasurer and Messrs. Barwick, Bruce, Foy, Guthrie, Idington, Lash, Martin, McKay, Riddell, Ritchie, Robinson, Shepley and Watson.

Ordered upon a report of the Legal Education Committee that the following gentlemen be called to the Bar and do receive their certificates of fitness: Messrs. O. M. Biggar, J. A. Peel, C. W. Moore, E. W. Beatty, W. M. Ewart, J. Ainslie Jackson, C. G. Jones, L. G. D. Legault. That Messrs. Biggar, Peel and Moore be called with honours and that Mr. Biggar and Mr. Peel do each receive a bronze medal. That Mr. G. M. Clark be called to the Bar. That the petition of Mr. T. H. Barton be refused. That the petition of Mr. G. H. Smythe be refused. That Mr. T. C. Dawson, on compliance with the Rules and payment of the fees required in special cases, be called to the Bar. That the following new regulations on the subject of discipline in the Law School be adopted: (1) That the Principal and each lecturer be authorized to disallow the attendance on any lecture. (2) That the Principal be authorized to suspend any student from attendance for a period not exceeding two weeks. (3) That in any case where the Principal is of opinion that suspension for two weeks would be insufficient, he be authorized to suspend indefinitely and report the case to the Chairman of the Legal Education Committee without delay in order that it may be dealt with by the Committee. (4) The Legal Education Committee shall have power to review any action taken under this regulation.

That the following gentlemen be allowed their first year examination: W. R. Meredith, Jr., R. A. Paterson, R. V. Le Sueur, G. B. Strathy, D. J. Thom, J. G. Gibson, E. P. Flintoft, H. A. Rose, A. J. Thomson, P. A. Greig, J. C. Payne, J. M. Jamieson, E. S. Fraser, C. V. Lindsay, J. H. Publow, J. F. M. Stewart (with honours); R. S. Waldie, A. S. Bond, G. A. McGaughey, F. E. Brown, R. D. Hume, A. C. Hill, H. D. Graham, E. Proulx, R. E. M. Meighen, F. Morison, W. E. Smith, H. C. Gilleland, L. R. Knight, A. S. Williams and C. E. T. Fitzgerald (equal), H. S. Hewitt and H. F. Gooderham (equal), R. A. Carman, S. J. Whittaker.

That Mr. Meredith do receive a scholarship of one hundred dollars, Mr. Paterson one of sixty dollars and Messrs. LeSueur, Strathy, Thom, Gibson and Flintoft each one of forty dollars.

That the following gentlemen be allowed their second year examination:—F. W. Halliday, N. G. Guthrie, A. H. Armstrong, G. E. Taylor, W. McMaster, Harold Fisher, W. F. Dunn, Jesse Bradford, F. L. Button, C. F. Newell, Norman Somerville, E. N. Armour (with honours); J. T. Richardson, W. A. Sadler, J. R. Meredith, H. W. McLean, R. D. Moorhead, A. W. Hunter, J. M. Kearns, W. Watkins and W. E. Seaborn and M. C. Cameron (equal), W. E. Payne and W. Forbes (equal), G. H. Smythe, J. F. L. Embury, E. A. Cleary, R. H. Parmenter, L. Kinnear and R. H. Knox and A. J. Poynter (equal), R. G. Hunter, E. T. Bishop, R. H. Paterson, A. Langlois, F. A. Clement, S. A. Dickson, A. E. Bowles, C. H. Dunbar, D. McKechnie, C. L. Durie, C. R. Deacon, N. G. Larmonth, A. E. Millican.

That Mr. Halliday do receive a scholarship of one hundred dollars, Mr. Guthrie one of sixty dollars, and Messrs. Armstrong, Taylor, McMaster, Fisher and Dunn each one of forty dollars.

Upon the reference by Convocation to the Legal Education Committee of Mr. Shepley's motion respecting the submission of examination papers to the staff of the Law School, the Committee introduced the subject, and after discussing same it was deferred for further information from the Committee.

The report of the Principal of the Law School upon the session of 1900-1901 was read and received.

Mr. Lash, from the Special Committee appointed under the Rule passed with reference to the question of granting recognition to Students' Societies, reported as follows, with reference to an application:—

The Committee recommend that the petitioners be informed of the Rule passed by Convocation, and be requested to place themselves in communication with the Osgoode Legal and Literary Society with a view to affiliation with that Society if they so desire, and to otherwise comply with the rules. So far as the Committee could learn, no other club or association to which the rule would apply now exists. The President of the Osgoode Legal and Literary Society informed the Committee that he was engaged in revising the constitution and rules of the Society, and he was requested to consult with the Principal of the Law School respecting them, and to submit the proposed constitution and rules to the Legal Education Committee before presenting them to the Society for adoption.

Mr. Watson moved that the report be received this day six months. Lost.

The report was received and adopted.

Mr. Watson gave notice of motion for the next meeting of Convocation to amend rules eleven and twelve of the Law Society so as to provide that the meetings of Convocation shall be on Thursday and Friday of the first week of each Term.

Ordered that the Reporting Committee be requested to report at the next meeting of Convocation as to the number of decided cases published during each of the five years preceding 1st June, 1901.

Moved by Mr. Watson, seconded by Mr. Barwick, that a Special Committee consisting of Messrs. Robinson, S. H. Blake, Teetzel, Lash, Shepley, Foy, Ritchie, Idington, Barwick, White and Watson be appointed to take such action and proceedings as may be deemed necessary in respect to proposed legislation affecting the jurisdiction of the Courts and the administration of justice, with power to engage a secretary to assist in the obtaining and preparation of material, Mr. Watson to be the convener, the Committee to report to Convocation from time to time. Carried.

Moved by Mr. Watson, seconded by Mr. McKay, that a Special Committee consisting of Messrs. McKay, McPherson, Lynch-Staunton, White, Foy, Glenn, Shepley, Strathy and Watson be appointed to take such action and proceedings as may be deemed necessary in respect to conveyancing by others than solicitors, and as to legislation (if any) to be promoted relating to the subject-matter, with power to engage a secretary to assist in obtaining material and doing such other work as thought necessary, Mr. Watson to be convener, the Committee to report to Convocation from time to time. Carried.

Mr. Watson, on behalf of the Finance Committee, presented the report of that Committee upon the case of C. L. Peterson, who was charged with practising in the Surrogate Court, although not a qualified solicitor, as follows:—

That the complaint of Mr. ———, barrister and solicitor, against Mr. C. L. Peterson, who is not a qualified practitioner, charging that the latter has been practising in the Surrogate Court of the County of Waterloo, was received by the Secretary, and after having been forwarded by him to the Chairman of the Discipline Committee, was by the latter forwarded to your Committee, with the report dated 13th March, 1901, of the Solicitor of the Society, who had been directed by the Chairman of the Discipline Committee to make enquiries into the matter.

That your Committee have obtained a further report from the Solicitor of the Society stating that in his opinion proceedings may be taken against Mr. Peterson to commit him for contempt of Court.

That it appears by the proceedings of Convocation that on the 19th September, 1890, Convocation adopted the following resolution:—

“That it is the right of the members of the Society to call upon it to protect the profession against the unlawful encroachments of those who, not belonging thereto, practise or assume to practise in legal matters, contrary to the Statute in that behalf, and that the Society is bound to assume the burden of prosecuting such offenders.

“That no prosecution, however, should be undertaken unless authorized by Convocation upon the report of a Committee by whom the complaint and the evidence in support thereof has been investigated, and such Committee may, if it think fit, obtain the assistance of the Solicitor in making such investigation.”

That it further appears upon reference to the proceedings of Convocation on September, 1898, that Convocation has been informed that in certain counties representations made by the local Law Associations to the County Judges have induced the latter to give directions to the Surrogate Registrars which have entirely put an end to the presentation of papers in the Courts of these counties otherwise than by Solicitors, and that Convocation has suggested that similar action on the part of the County Law Association of the County of Waterloo might be of advantage.

That it further appears that Convocation on the 7th December, 1900, adopted the following resolutions:—

"That any Solicitor having a complaint against any person acting in the Courts as a Solicitor without having been duly enrolled as such, do make such complaint to the Secretary of the Law Society (who is to treat as confidential the name of such complainant) and it shall be the duty of the said Secretary to make enquiry from the local Judge or other local Court officials as to the matter complained of, and to report the said complaint and any information obtained by him to the Chairman of the Discipline Committee, who is thereupon through his Committee (but without disclosing the name of the original complainant), to submit the whole question to Convocation for action."

That it appears that the rules of the Court permit applications for probate or letters of administration to be made in person or by solicitor.

It was ordered that the report be referred back to the Finance Committee with instructions to take such steps in the premises as they deem proper.

The following gentlemen were then introduced and called to the Bar:—

Messrs. O. M. Biggar, J. A. Peel, C. W. Moore, E. W. Beatty, W. M. Ewart, C. G. Jones, G. Mortimer Clark. Messrs. Biggar, Peel and Moore were called with honors, and Mr. Biggar and Mr. Peel were each presented with a bronze medal which had been earned by them under the rule.

Tuesday, 25th June, 1901.

Present: The Treasurer and Messrs. Aylesworth, Barwick, Bayly, Britton, Bruce, Douglas, Idington, Lash, McKay, McPherson, Ritchie, Shepley, Strathy and Watson.

Ordered upon a report from the Legal Education Committee that the following gentlemen be called to the Bar and do receive their certificates of fitness:—A. W. Anderson and R. H. Greer (with honors); J. Arthur Jackson and Ogle Carss. That the petition of Mr. Couch be refused. That Mr. N. R. Webb be, under the special circumstances of the case, admitted as a student at law. That Mr. H. P. Hill, who has been unable to attend the lectures of the first year, be, under the special circumstances of the case, permitted to write at the supplementary examination. That the petition of Mr. C. McLaughlin be refused.

Convocation records with sincere and deep regret the death of the late Honourable Arthur Sturgis Hardy, K.C., which took place on the 13th instant at Toronto.

Convocation notes he was called to the Bar of the late Province of Upper Canada in Easter Term 1865, and was elected a member of Convocation in Easter Term 1876, and remained a Bencher continuously until his death.

On 13th March, 1876, he was appointed by the Lieutenant-Governor in Council one of Her late Majesty's Counsel learned in the Law.

On the 28th April, 1873, he was elected a member of the Legislative Assembly of this Province for the Electoral District of South Brant, and he continued to represent that riding continuously until the 21st October, 1899, on his retirement from public life.

He was a member of the Executive Council of Ontario from the 24th March, 1877, when appointed Provincial Secretary, and on the 19th January, 1889, he was appointed Commissioner of Crown Lands, and on the 25th July, 1896, he was appointed Attorney-General and Premier, which office he resigned on the 21st October, 1899.

On 28th October, 1899, he was appointed Clerk of the Process and Surrogate Clerk.

Mr. Strathy, Acting Chairman of the Discipline Committee, reported on behalf of the Committee upon the complaints of Thos. Phillips against Mr. A. B. and Thos. Galloway against Mr. C. D., that in neither case had a *prima facie* case been shewn; and upon the complaint of Mr. A. K. against Mr. E. F. that petitioner's counsel asked to be allowed to withdraw the petition, stating that Mr. A. K. has since learned that matters have now a different complexion from what at first appeared to him when presenting the

complaint, and that the Committee had consented to this course, petitioner's counsel undertaking to put in a written withdrawal of the complaint containing a retraction of the charges made in the petition. The complainant has since written to the Secretary withdrawing the petition on the terms arranged by his counsel. The reports were in each case adopted.

Mr. Watson, on behalf of the Finance Committee, reported on the reference to them by Convocation of the case of Mr. C. L. Peterson, that the Committee has communicated with the President of the County of Waterloo Law Association suggesting that a respectful representation of the matter to the Judge of the County Court in such county would lead to directions being given to the Registrar of the Court which would put an end to the practice of presenting papers in the Surrogate Court except by solicitors. That in reply they had received a letter from the President, stating that Mr. Peterson has left the Province and further expressing approval of the course directed by Convocation. The Committee is of opinion that nothing further is now required to be done in the premises.

The report was adopted.

Mr. Watson then presented the report of the Finance Committee relating to investments as follows: Convocation having by resolution passed on the 15th day of February last directed the Finance Committee to enquire as follows: "Convocation has requested the Finance Committee to report upon the advantage or desirability of \$50,000 being invested in the debentures of loan companies or other approved securities." Your Committee begs to report that the matter referred to has been considered and your Committee is of the opinion that a sum not exceeding fifty thousand dollars, part of the surplus capital funds of the Law Society, may with advantage be invested in securities of debentures of loan companies so as to be reasonably and properly secure as an investment to realize interest at the rate of four per cent., repayable in one year, no one investment to be in excess of the sum of ten thousand dollars, all of which is respectfully submitted. The report embodies the opinion of a majority of the Committee present.

Mr. Watson moved the adoption of the report. Yeas: Messrs. Watson, McKay, Ritchie, Idington, Bruce, Strathy, Britton and Bayly—8. Nays: Messrs. Lash Aylesworth, Shepley, Douglas, Barwick and McPherson—6.

The following gentlemen were then introduced and called to the Bar: Messrs. A. W. Anderson and R. H. Greer (with honours), J. Ainslie Jackson, J. Arthur Jackson, J. Ogle Carss and L. G. D. Legault.

Mr. Idington, from the Special Committee appointed in relation to the publication of the Digest, presented their report upon the tenders received and moved the adoption of the report. Moved in amendment by Mr. Watson and ordered that the consideration of the report be deferred until the meeting of Convocation to be held on Tuesday, 10th September, 1901, and that copies of the report and other necessary material, omitting the names of tenderers, be printed and distributed amongst members of Convocation meantime; and that the Special Committee should in the interim obtain such further information as practicable, including a report from one or more experts on the subject-matter, and that the report be referred back to the Special Committee aforesaid, to obtain the information.

Mr. Ritchie from the Reporting Committee presented the following report:—

In pursuance of the direction of Convocation that the Reporting Committee be requested to report at the next meeting of Convocation as to the number of decided cases published during each of the five years preceding 1st June 1901, the Chairman of the Committee at once communicated with Mr. Smith, K.C., the Editor, and requested him to furnish a statement giving the desired information. To this communication the Editor

has replied as follows: "There is no way, of which I am aware, of ascertaining the number of cases reported in each year for five years preceding June 1901, the particular dates of publication of cases having been kept by Rowsell & Hutchison. The volumes as a rule do not close with the year; they frequently overlap and the numbers of the reports have been issued from time to time when a sufficient quantity of material has accumulated to make a number; the volumes, except in the Court of Appeal, have been closed in the same way. I have, however, made a calculation of the number of cases published in the five years preceding the date mentioned and, as well as I can make out, they number 1,285. If about forty cases ready for publication this year before 1st June are added the number will be 1,325 which is, I think, correct."

There being six reporters, the figures given by the Editor would represent an average of forty-four cases reported by each reporter for each of the five years.

The Committee further begs to report that since the beginning of the year 1901, 188 cases have been reported, of which 120 are decisions of this year, and that there are about twenty cases practically ready for publication, making over 200 cases for the half year.

The report was received, and ordered to be entered on the minutes of Convocation.

Mr. Watson gave notice that at the next meeting of Convocation a motion will be made that the Society do not proceed further with the publication of the proposed new Century Digest at its own expense, and that an effort be made to arrange with some responsible publishing company to acquire from the Law Society the asset as it now exists of compilation and otherwise preparatory for the publication, and that special notice be given to members of Convocation.

Mr. Watson gave notice that at the next meeting of Convocation a motion will be made to reconsider the question of the reporting of decided cases, and the number of reporters to be engaged for that purpose, and the remuneration for each.

Mr. Watson then, in pursuance of notice given, moved that Rules 11 and 12 of the Law Society be amended so as to provide that the meetings of Convocation shall be on Thursday and Friday of the first week of each Term and that "Thursday" and "Friday" shall be substituted respectively for "Tuesday" and "Wednesday" where the same appear in Rules 11 and 12 mentioned.

The amending Rule was read a first and a second time and ordered for a third reading at the next meeting, and it was ordered that notice be given to members of the intended third reading of the above Rule.

Mr. Watson gave notice that at the next meeting of Convocation a motion will be made to reconsider the question of scholarships to be awarded as the result of examinations, and that the number and amount of the scholarships be materially modified.

Mr. McPherson gave notice that he would at the next meeting of Convocation move, "That it is desirable that steps should be taken at an early date to provide the profession with notes of decided cases somewhat in the form of the English publication of Weekly Notes.

Convocation then rose.

The Law Society of Upper Canada.

OSGOODE HALL, TORONTO, 1st August, 1901.

SIR,

I have the honour to forward you, appended hereto, a copy of the Report (presented to Convocation on 25th June, 1901) of the Special Committee appointed to ascertain and report the best method of carrying out the publication of the Consolidated Digest.

Convocation has directed that consideration of the report be deferred until the meeting to be held on Tuesday, 10th Sept., 1901, and that copies of the report and other necessary material be printed, omitting the names of the tenderers, and distributed among members of Convocation meantime, and Convocation ordered that the Special Committee should in the interim obtain such further information as practicable, including a Report from one or more experts on the subject matter, and that the Report be referred back to the Committee to obtain the information.

I remain,

Sir,

Your obedient servant,

HERBERT MACBETH,
Secretary, L. S. U. C.

COPY OF REPORT.

To the Treasurer and Benchers in Convocation assembled :

Your Committee appointed to ascertain and report the best method of carrying out the publication of the Digest when completed, beg to report as follows :

Eleven leading printing or printing and publishing firms were requested to tender upon the basis of the Specifications of which copy is annexed hereto.

After some tenders had been received and enquiries made by printers, the Editor, at the request of the Committee, prepared the memorandum annexed hereto explanatory of the nature of the work required, and modifying the terms as to the number of pages needed to be kept in type, and those who had already tendered were furnished an opportunity to change, if they saw fit, their tender.

Only two firms offer to publish as well as print, and the correspondence containing their respective tenders is submitted herewith, shewing that * is the only one of these calling for serious consideration.

If the Law Society give this firm the compilation and supervise the printing, its members can each get a bound copy of Digest for \$20 00 and the Law Society 185 copies free of expense.

The alternatives named in this tender conditioned upon guarantees need hardly be considered.

Four firms submit tenders for the printing only, and the correspondence containing their respective tenders is submitted herewith.

That of ** is so much below the others, that it leaves margin enough to cover expenses of freight and duty and a liberal extra for travelling expenses and time of the Editor, and yet be far below the others. Next in order, the same may be said of ***.

In round figures, this ** tender will give us 1500 copies of the work complete for \$14,000, including printing, binding and duty, or 1000 copies for \$11,000; and that of *** at \$16,500, 1200 copies.

The 1500 copy edition, in the long run, would be preferable.

Two hundred copies could, it is believed, be disposed of outside of Ontario, and five hundred within Ontario, on a basis that within a year from publication would repay expense of accepting this tender. The best method of accomplishing this would be to advertise for tenders for that number, on the understanding that the tenderer be named as publisher of the work and have an option upon the remaining copies, except as to the 185 copies to be distributed to the Libraries and Judges, etc.

Your Committee therefore recommend that the tenders of ** and *** be considered as the basis upon which to negotiate a contract.

A sample of the printing, work and paper they respectively propose to use has been forwarded at the request of the Committee, and as there may be something in the quality of the paper that an expert might desire changed, your Committee recommend consulting some such one before accepting their tender, and would recommend that an expert or experts be consulted on the framing of any contract that may be proposed to be entered into with either of these firms.

All of which is respectfully submitted,

(Sgd.) JOHN IDINGTON,
Chairman of Committee.

Osgoode Hall,
25th June, 1901.

COPY OF SPECIFICATIONS.

The Law Society of Upper Canada have in the course of preparation, to be ready for the printer at a date to be given in 1901, a complete Digest of the Ontario Reports, with other reports bearing on Ontario law, civil, criminal and constitutional. The work is under the supervision of J. F. Smith, Q.C., the editor of the Ontario Reports, assisted by the Court Reporters, Mr. E. B. Brown and Mr. R. S. Cassels, and Mr. T. T. Rolph, Barristers-at-Law.

The work is roughly estimated to print into three volumes about the size of the Ontario Decennial Digest, with a fourth smaller volume containing table of cases, etc.

No sales of the work will be made by the Law Society, if a satisfactory agreement can be arrived at on that basis; but if the guarantee of the Law Society that a limited number will be taken by the members of the Law Society is likely to induce a better offer, any publisher viewing the matter in that

light and tendering, may specify such number as he would require to be so guaranteed for, and the difference that such guarantee would make in his tender.

There are now on the books of the Society about 1700 members in good standing.

Robinson and Joseph's Digest, being the last general Digest, was published and sold (an edition it is stated of 1200 vols.) at \$42, and is now out of print.

Tenders from publishers are asked for the compilation as and when ready for the printer.

The publisher to whom the compilation is sold must bind himself as follows:

1. To have the work printed and ready for delivery in a time, after receipt of the compilation from the editor, to be named by the publisher in his tender.
2. To have as much as five hundred pages at one time in print, to enable that revision to be made that is thought desirable.
3. To sell the work to all the members of the Upper Canada Law Society, for a sum to be named in the tender, each copy complete, bound in half-calf and delivery prepaid. To be paid for either by cash on delivery or by instalments as may be required and stated in tender and agreed upon. The limits of such instalments to be specified in the tender.
4. To furnish to the Law Society, by delivery to them or their nominees, free of expense, bound in half red morocco, 185 copies, except as to 50 copies which may be bound in paper.

This free list is intended to include all judges and judicial officers, the Canada Law Libraries, chief Provincial Law Libraries, five libraries in London, England, the Editor and Compiler, and Library at Osgoode Hall.

5. The printing to be done by hand or linotype, in the discretion of the publisher, equal to the best English or American Digest, on the best Canadian paper.

The tender to specify the prices by hand and that by linotype. The whole to be to the satisfaction of Convocation. The revision of the proof to be by the editor, Mr. J. F. Smith, Q.C., and his assistants, or some other gentlemen approved of by Convocation, under whose orders all corrections are to be made, and who are to be paid by the publishers for such work the sum stated in the tender, which must also state the number of revisions provided for.

Further information can be had on application to the undersigned, or to Mr. J. F. Smith, Q.C., who will be glad to explain anything necessary to know in regard to the condition of the compilation, and such requirements as he may report to be advisable in the interests of the Law Society, in order that tenders may be properly considered, and work done of a standard acceptable to the profession.

In each tender, to avoid confusion and misunderstanding, any material explanation so got, not covered by above, better be stated in tender.

Tenders will be required to be delivered on or before the second day of February next, and neither lowest or any other tender necessarily accepted.

Osgoode Hall, 5th January, 1901.

(Sgd.) HERBERT MACBETH,
Secretary.

[OVER]

Memorandum prepared by the Editor in respect of the new Consolidated Digest
prepared for the Law Society.

The Contractor for printing the Digest should be prepared to allow for about half a dozen revises by four persons who will see the work through the press, and he must also bear in mind that only the body of the work (the head-notes) is in the first place set up in galley. The cross referencing to other titles is written in by the compilers after the text of the head note is correct in galley, and the title and analytical table at the head of each title is arranged and set up by the printer at the same time that the above cross references are set up in galley, so that the work is "built up," and so far as the above matters are concerned, is not printed straight from copy. It will be necessary that the contractor should have type enough of brevier for the head-notes, with the necessary italics for the sub-divisions of sub-titles and for the head lines at the beginning and names of cases at the end of each note, also block type and small capitals for the cross references and small capitals for the sub-titles, to have the largest title in type in pages at one time. This, it is expected, will not be more than 150 pages at one time, and is for the purpose of numbering the columns of the title in the analytical table of the sub-titles and sub-divisions which are at the head of the long titles, and also for the purpose of making cross references to other cases as complete as possible. As the rest of the work should not be stopped altogether when the long titles are being completed in pages, the contractor should have enough type for 150 pages in addition, so that not less than 300 pages can be in progress at one time.

LAW SOCIETY OF UPPER CANADA.

TRINITY TERM, 1901.

Tuesday, September 10th, 1901.

Present: The Treasurer and Messrs. Bayly, Edward Blake, Bruce, Clarke, Douglas, Foy, Gibbons, Glenn, Hogg, Hoskin, Idington, Kerr, Lash, Lynch-Staunton, Martin, McPherson, Riddell, Ritchie, Shepley, Strathy and Watson.

Ordered, upon a report of the Legal Education Committee, that the applications of Messrs. N. R. Webb and B. W. Collison to have their periods of service, respectively, reckoned prior to their admission as students at law be refused. That Messrs. J. A. Supple, J. R. Howitt, N. Sinclair, and C. McCrea, be granted their certificates of fitness upon proof of the completion of their respective terms of service, which do not expire until after the last day of meeting, this Term. That the service of Mr. E. G. Long be allowed as sufficient. That the following gentlemen be called to the Bar and receive their certificates of fitness: Messrs. G. A. Stiles, E. G. Long, E. P. Gleeson, J. P. Weeks, J. H. Parker. That Mr. J. R. Howitt be called to the Bar. That Messrs. Stiles and Long be called with honours, and that Mr. Stiles do receive a silver medal.

The letter of Mr. Thomas Galloway, of Uxbridge, to the Secretary asking for return of papers fyled by him when laying a complaint against a solicitor, was read, and it was ordered that his letters be returned to him after conference between the Chairman of the Discipline Committee and the lately Acting Chairman.

The letter of Mr. W. H. Sintzenich, in which he offered to sell to the Society two water-colour paintings of royal residences, was read. The Secretary was directed to reply stating that the Benchers do not deem expenditure on these works to be within the objects of the Society.

Convocation records with sincere and deep regret the death of the late Honourable Sir Thomas Galt, which took place on the 29th of June, 1901. He was called to the Bar of the late Province of Upper Canada in Easter Term, 1845, and was elected a member of Convocation in Michaelmas, 1855. On the 23rd of December, 1858, he was appointed one of Her late Majesty's Counsel learned in the law. On the 7th June, 1869, he was appointed a Judge of the Court of Common Pleas, and on the 7th November, 1887, he was appointed Chief Justice of the Common Pleas Division of the High Court of Justice for Ontario. He was knighted on the 18th June, 1888. He retired from the Chief Justiceship of the Common Pleas on 1st September, 1894, and then, as a retired Judge, became a Bencher of this Society *ex officio*. His last appearance in Convocation was on the 21st May, 1898, up to which time he had been a frequent attendant.

Convocation records with sincere and deep regret the death of the late Honourable Sir George William Burton, which took place on the 22nd of August, 1901. He was called to the Bar of the late Province of Upper Canada in Easter Term, 1842, and was elected a member of Convocation in Michaelmas Term, 1855, and he was also elected a member of Convocation at the first general election of Benchers held in 1871. On the 28th March, 1863, he was appointed one of Her late Majesty's Counsel learned in the law. On the 30th of May, 1874, he was appointed Judge of Error and Appeal, and on 24th April, 1897, he was appointed Chief Justice of Ontario. He was

knighted on the first day of January, 1898. He retired from the Chief Justiceship on the 2nd of July, 1900, and then, as a retired Judge, became a Bencher of this Society *ex officio*.

The report of the Special Committee appointed on the 7th day of June, 1901, in respect to conveyancing by others than solicitors, was received and read, and was ordered for consideration on Friday, the 20th instant, and it was ordered that the said report be printed forthwith and a copy transmitted to each member of Convocation.

The Rule to amend Rules numbers 11 and 12 so as to provide that the meetings of Convocation shall be on Thursday and Friday of the first week of each Term, was read a third time and passed.

The petition of Mr. Napoleon Champagne, a member of the Bar of the Province of Quebec, praying for call to the Bar of this Province, in pursuance of the Rules respecting special cases, was read, and the same was referred to the Legal Education Committee for report.

Mr. Watson then, in pursuance of notice given at the last meeting, moved that the Law Society do not proceed further with the publication of the proposed new Century Digest at its own expense, and that an effort be made to arrange with some responsible publishing company to acquire from the Law Society the asset as it now exists of compilation and otherwise preparatory for publication. Ordered that the notice do stand until the 20th instant, when it is expected, as announced by Mr. Idington, that the Special Committee on the same subject will make a report.

Mr. Watson, in pursuance of notice given at the last meeting, moved that the number of reporters be reduced to five after the present term of office.

Ordered that the above motion be referred to the Reporting Committee for report and it was further ordered that the Reporting Committee do report to Convocation upon the subjects following:—(a) As to the efficiency of the present system of reporting and whether the arguments of counsel should not be set out more fully than at present, also whether the cases cited should not be applied to the points in relation to which they are cited; (b) Whether all cases should not be reported except such as the Reporting Committee may deem unnecessary; (c) Whether the profession should not be provided with notes of decided cases somewhat in the form of the English publication of Weekly Notes; and that the Committee be asked to report upon these subjects separately. Mr. Watson, in pursuance of notice of motion given to re-consider the question of scholarships, moved that the number of scholarships be reduced to three in accordance with the Rule in force prior to 15th September, 1891. It was ordered that the subject in respect to the effect upon legal education be referred to the Legal Education Committee for report.

Ordered upon a report of the Legal Education Committee that the Chairman of the Legal Education Committee and Messrs. Hogg and Watson be appointed a Special Committee to examine Mr. Napoleon Champagne, a member of the Bar of Quebec as to his qualifications for admission to the Ontario Bar.

The following gentlemen were then called to the Bar:—Messrs. G. A. Stiles, E. G. Long, E. P. Gleeson, J. H. Parker, J. P. Weeks and J. R. Hewitt. Messrs. Stiles and Long were called with honours, and Mr. Stiles was presented with a silver medal.

The Special Committee appointed to examine Mr. Napoleon Champagne as to his qualifications for call to the Bar of Ontario reported that they had examined him and he had passed the examination to their satisfaction.

Ordered that Mr. Champagne be called to the Bar, and he was then introduced and called to the Bar.

Wednesday, September 11th, 1901.

Present: The Treasurer and Messrs. Edward Blake, Clarke, Guthrie, Hogg, Lash, McKay, Riddell, Teetzel and White.

Ordered upon a report from the Legal Education Committee that Messrs. G. H. Hayward and E. G. Morris be called to the Bar and that Mr. Morris do receive his certificate of fitness.

The application of Mr. Napoleon Champagne who had been called to the Bar as a Special case and now applied for a certificate of fitness as a solicitor in pursuance of R.S.O. 1897, ch. 174, sec. 8, was read and referred to the Legal Education Committee with power to act.

Upon the subject of the approaching visit of His Royal Highness the Duke of Cornwall and York, the Treasurer reported that, after conference with the Attorney-General for Ontario, the Honourable J. M. Gibson, he had addressed Mr. Oliver Howland, the Mayor of Toronto, as follows:—

Osgoode Hall, 15th August, 1901.

Dear Mr. Mayor,

I have not yet heard of any arrangements for the reception of H. R. H. the Duke of Cornwall and York by the Judges of the Supreme Court of Judicature for Ontario at Osgoode Hall, the chief seat of the administration of justice for Ontario, on the occasion of his coming visit.

In 1860, during the visit of the now King as Prince of Wales, he honoured the Law Society by inscribing His name on the Rolls, and was then called as a Barrister.

The Law Society representing the whole legal profession of the entire Province look to H. R. H. the Duke of Cornwall and York being afforded an opportunity to follow in the steps of His Illustrious Father in this particular, if H. R. H. should deign to do so.

The Law Society has existed for upwards of one hundred years, and our long line of eminent Judges has sprung therefrom, and I, as the humble representative of the Law Society of Upper Canada, trust that the attention of His Excellency the Governor-General may be so invoked that the Judiciary may have the honour of receiving the King's son at Osgoode Hall, and that the Law Society may be enabled to tender him its desire for His enrollment on the Records of the Society, and a Call to the Bar, especially in view of the fact that His Most Gracious Majesty was pleased to honour the Society by conferring on it under like circumstances a highly prized association.

I have the honour to remain,

Dear Mr. Mayor,

Your most obedient servant,

ÆMILIUS IRVING,

Treasurer, Law Society of Upper Canada.

That Mr. Howland informed the Treasurer that the Treasurer's letter of 15th August had been forwarded to the Governor-General.

That he, the Treasurer, had also called upon His Honour Sir Oliver Mowat, Lieutenant-Governor, and communicated to His Honour the contents of the above letter.

That he, the Treasurer, had received from His Honour the Lieutenant-Governor a letter of which the following is a copy:—

Government House, Toronto,
September 3rd, 1901.

Dear Sir,

In a letter which I received this morning from His Excellency he says that “a visit to Osgoode Hall is really impossible. I have been told that the calls on His Royal Highness must be limited, and I could not justifiably increase the programme.” I do not send you the above for publication, but you can make known, if you desire, that a visit by His Royal Highness to Osgoode Hall is found to be impossible in view of the engagements previously made for His Royal Highness.

Yours truly,

O. MOWAT.

Æmilius Irving, K.C.,
Osgoode Hall.

Convocation ordered that the aforesaid correspondence be entered upon the minutes.

Messrs. G. H. Hayward and E. G. Morris were introduced and called to the Bar.

Friday, September 20th, 1901.

Present: The Treasurer, and Messrs. Aylesworth, Barwick, E. Blake, Britton, Bruce, Foy, Hoskin, Idington, Lynch-Staunton, Martin, McKay, McPherson, Ritchie, Shepley and Watson.

The Treasurer read the letter of the Mayor of Toronto to him on the subject of the approaching visit of H.R.H. the Duke of Cornwall and York, as follows:—

Mayor's Office, Toronto,
18th September, 1901.

Æmilius Irving, Esq., K.C.,
Treasurer of the Law Society.

My dear Mr. Irving,

As you may be aware, His Excellency has not been able to find a place for a formal reception at Osgoode Hall as an addition to the stringently limited series of ceremonies which His Excellency has approved of. I would suggest that it might be possible, if a stop at Osgoode Hall cannot be arranged on either day, that the Judges and Benchers should attend and take part in the formal reception at the City Hall on the day of His Royal Highness's arrival. Perhaps it might be managed to have the book signed on that occasion, if it is permissible to sign it elsewhere than at Osgoode Hall.

If there is any thought of presenting an address on behalf of the Law Society at the same time, there is no time to be lost in submitting it for approval by the Governor-General.

Yours very truly,

O. A. HOWLAND,
Mayor.

Ordered, upon a report from the Legal Education Committee, that the following gentlemen be called to the Bar:—Messrs. E. W. Clement (with honours), F. J. Wegg, F. W. Grant, W. A. MacKinnon, C. McCrea, W. B. Kingsmill, J. A. Supple and J. M. Gunn; and that the following do receive their certificates of fitness as solicitors:—

Messrs. E. W. Clement, F. J. Wegg, F. W. Grant, G. Mortimer Clark, W. B. Kingsmill and J. M. Gunn. That Mr. W. A. MacKinnon be granted his certificate of fitness upon proof of the completion of his term of service, which does not expire until after the last day of this Term. That the application of Mr. C. J. McLaughlin for admission as student at law be refused. In the case of Mr. N. Champagne, the Committee reported that they had requested the Senior Examiner to have ten questions prepared on the subjects on which under Rule 207 the candidate should be examined. These questions were submitted to Mr. Champagne by the Chairman and Mr. Ritchie and were satisfactorily answered, and the Committee recommend that Mr. Champagne do receive a certificate of fitness as a solicitor in pursuance of R.S.O. 1897, ch. 174, sec. 8. Ordered accordingly.

On the consideration of the report of the Special Committee on unlicensed conveyancers, which had been ordered for consideration to-day, Mr. McPherson, on behalf of the Committee, moved that the Committee be permitted to withdraw the report already presented and to substitute an amended report. Convocation ordered accordingly, and proceeded with the consideration of the report clause by clause.

The report, as adopted, is as follows :—

Your Committee beg to report as follows :—

1. That the efforts of the profession should be directed to obtain the passage of legislation to the following effect:

(1) "Except as hereafter provided, no person shall have, use or exercise, the power of drawing, passing or issuing, for another, for fee, hire or reward, any Will, or any Bill of Sale, or Transfer, or Assignment of Mortgage relating to personal property, or any Conveyance, Transfer, Deed, Lease, Mortgage, Indenture, Discharge of Mortgage, Cessation of Charge or Agreement relating in any way to real property, or of otherwise acting or performing the duties of a Conveyancer.

(2) "Persons entitled to practise as barristers or solicitors in the Province of Ontario, shall be exempt from the provisions of this Act, and persons who, though not so entitled, have at and before the time of the passing of this Act, been accustomed to transact business of the nature in the preceding section specified, and who, within three months of the day of the date of the Royal assent hereto, deposit and file with the Registrar of Deeds for the County or Riding in which they then respectively reside, and likewise with the Treasurer of the Province of Ontario, a declaration according to the form in the schedule 'A' hereto, and who thereafter, and on or before the first day of July in each year, pay to the Provincial Treasurer the sum of One Dollar for the use of the Province, shall, as to such business of said nature as they may transact in the municipality in said declaration mentioned, be exempt from the provisions of this Act.

(3) "A person appointed as a Notary Public for the Province of Ontario shall, notwithstanding the provisions of this Act, continue to be entitled to perform such of the said business as is specified in 'An Act respecting Notaries Public.'

(4) "It shall be the duty of the Provincial Treasurer and likewise of each Registrar of Deeds respectively, on payment of a fee of twenty-five cents, to receive, file and deposit declarations as herein mentioned, and to make, in a proper book in his office, the same entries thereof (including the entry by the Provincial Treasurer of the date of payment of said annual fee, as are necessary to be made by a Registrar of Deeds regarding an assignment for the benefit of creditors.

(5) "Any person shall be entitled, on request and payment of a fee of twenty-five cents, to a certificate in writing, under seal of office, dated when given, as to whether any named person has, or has not, filed and deposited a declaration in

“ compliance with this Act, and if one has been filed and deposited the certificate shall
 “ state the date of filing same, and in addition, the Provincial Treasurer, in any
 “ certificate given by him hereunder, shall state whether such person has made the
 “ annual payments hereinbefore provided for, and if so, the date of such payments.

(6) “ A certificate as aforesaid, under seal of office, shall, without further
 “ proof, be evidence in any Court in this Province, of the facts stated therein, and
 “ may be in the form in the schedule ‘ B ’ hereto.

(7) “ Any person violating the provisions of this Act shall forfeit the sum of
 “ \$20.00 for each such violation, to be recovered before any Court of competent juris-
 “ diction, by any person suing as well on his own behalf as on behalf of His Majesty;
 “ and half of such penalty shall belong to the Crown for the uses of the Province
 “ and the other half to the party suing for the same.”

SCHEDULE “ A.”

“ Province of Ontario,	}	I,	
“ County of		of the	of
“ To Wit:		in the County of	

“ do solemnly declare:—

1. “ That I have been accustomed to transact in the (specify here the muni-
 “ cipality, stating as the fact may be, whether County, City, Town or Township), for
 “ other persons, for fee, hire or reward, business of the nature specified in the Act
 “ of the Legislature of the Province of Ontario, entitled ‘ An Act, etc.,’ being Statute
 , Edward the Seventh, chaptered

2. “ THAT I verily believe that I possess the requisite knowledge and skill to
 “ transact the special business of the nature referred to in said Act and am entitled
 “ to be exempt from the provisions of the said Act.

“ And I make this solemn declaration conscientiously believing the same to be
 “ true, knowing it to be of the some force and effect as if made under oath and by
 “ virtue of the Canada Evidence Act, 1893.

“ Declared before me, at the	}
“ of in the	
“ of this	
“ day of	
“ A.D. 1901.	

“ A Commissioner for taking affidavits, etc.
 “ or A Notary Public in and for the Province of Ontario.”

SCHEDULE “ B.”

“ Province of Ontario,	}
“ County of	
“ To Wit:	

“ I, in pursuance of an Act of the Legislature
 “ of the Province of Ontario, entitled ‘ An Act, etc.,

“ being Statute , Edward the Seventh, chaptered , hereby certify as
 “ follows:—

1. "THAT _____ of the _____ of _____
 "in the County of _____ has (or has not, *as the case may be*) deposited
 "and filed in my office, as (*state whether* Provincial Treasurer or Registrar of Deeds
 "for the _____ of _____, *as the case may be*) a
 "declaration complying with the said Act and in the form in schedule 'A' thereto.

2. " (In case the declaration has been filed add the following:—'The said declaration
 "was filed and deposited in my said office on the _____ day of _____
 "'A.D. 190 .')

3. " (In certificates given by the Provincial Treasurer if a declaration has been filed
 "and deposited by the person concerning whom the enquiry is made, add the following:—
 "'The said _____ has, (or has not, *as the case may be*) made (the or all,
 "or, *as the case may be*) annual payment (or payments) required by section 2 of
 "the said Act.')

4. "If the annual payment has been made add the following:—'The (said, or last,
 "as the case may be) annual payment was made on the _____ day of _____ A.D.

"GIVEN under my hand and seal of office at _____ this _____
 "day of _____ A.D. 19 .

(Seal)

Official signature."

2. THAT a circular be printed and addressed to each County Law Association, and to such members of the Profession as may be deemed advisable, requesting their assistance in procuring the passage of legislation as above set forth, or any suggestions relating thereto.

3. THAT copies of the above draft Act be printed for distribution, as may be decided.

4. THAT your Committee be continued and be empowered to expend the sum of One Hundred Dollars for the services of a paid Secretary to your Committee.

Respectfully submitted,

WM. DAVID MCPHERSON,
 Chairman.

Dated 20th September, 1901.

Ordered that Mr. Barwick be added to the said Special Committee.

The following gentlemen were then introduced and called to the Bar:—Messrs. E. W. Clement (with honours), F. W. Grant, W. A. Mackinnon, C. McCrea, F. J. Wegg, W. B. Kingsmill, J. A. Supple, J. M. Gunn.

Ordered that the Special Committee appointed in relation to the Consolidated Digest be continued and do report at the next meeting of Convocation with power to obtain further information and to circulate such information as the Committee may deem proper, together with its draft report among the members of Convocation before next Term.

Convocation then rose.

LAW SOCIETY OF UPPER CANADA.

REPORT OF THE INSPECTOR OF COUNTY LAW LIBRARIES FOR THE YEAR 1901.

To the Treasurer and Benchers of the Law Society of Upper Canada:—

Gentlemen,—In accordance with your resolution and the rules of the Society, I have inspected the County Libraries and beg to submit this, my report.

The libraries of the following law associations were inspected:—

Brant	Frontenac	Kent	Ontario	Stormont & Glengarry
Bruce	Grey	Leeds & Grenville	Oxford	Waterloo
Carleton	Hamilton	Lindsay	Perth	Welland
Elgin	Hastings	Middlesex	Peterboro	Wellington
Essex	Huron	Norfolk	Simcoe	York

Many of the libraries show a great improvement since my last inspection.

At Brantford, owing to the employment of a permanent librarian, the library has improved very much and as a result the membership has increased.

At Chatham, also, a marked improvement is noticeable, the officers for the year making every endeavour to make the library a success. The membership here has also increased.

The association at Brockville has been fortunate in getting the County Council to paper and decorate their rooms, and it has now a very handsome and attractive library.

By a change in the librarian at London the library has gained much, and the large collection of books shows the advantage of having one in charge who can give the attention required.

At Whitby, what was last year little more than a mere collection of books, is rapidly becoming a library in the true sense, though there is much yet to be done in arranging the books and filling up the blanks caused by years of neglect.

The association at Cornwall promises to be very successful and their library very well kept.

The Waterloo association has increased in membership, which is worthy of comment as great inconvenience is caused by their room being used as a grand jury room.

At Guelph much improvement is noticed, and the rooms of the association are very attractive and the library much better arranged. This latter fact is traceable to the care and efficiency of the permanent librarian. The fees of this association are higher than any other, being \$10 per individual member.

The York association has moved into its new quarters in the new Court House and is now very comfortably situated.

Some of the libraries do not show any improvement.

At Ottawa nothing has been done by the county to provide reasonable accommodation, though the officers of the association and the judges of the various courts have continued to impress upon the Council the requirements of the library.

At Windsor, also, the association suffers from the poor accommodation and the consequent lack of interest on the part of the profession.

The library at Goderich cannot, I am sure, in its present condition be of as much service to the profession as if more attention were paid to it.

At Woodstock, again, want of care is noticeable, and nothing has been done since last year to remedy the defects pointed out.

The library at Welland is the poorest of all in equipment, and the county has done nothing since my last report to improve it. In this case I think the association could get what is needed.

The remaining libraries continue to be kept up to the mark, and the fact that they are not mentioned specifically shows that there was not much, if anything, to remedy or improve.

Generally,—The associations should see that the County Councils provide them with everything they are bound to under the Act, especially proper accommodation and furniture. There is no reason why the use of the library quarters should be accorded for any other purpose. It should also see that the books are well arranged and kept clean. The easy access to books is a great attraction in a library and their cleanliness will insure a further visit.

Books should not be allowed to be taken from the library, as unless one can be reasonably certain of getting what he wants he will not make use of the library. The rooms of the associations, with one or two exceptions, are so pleasant and convenient there is no reason why reading should not be done in the library, and the members should bear in mind that it is likely that the book they have out is also wanted by the man on the other side. The establishing of a library should do away to a large extent with the necessity of buying books on the part of the profession, and the rules of the association should be formulated with this in view.

For convenience, especially of outsiders, every library should be arranged in sections, and the contents of these sections labelled in a noticeable manner. This is more needed where the library is large, but even in the smallest it would save time. It would also be a great convenience if a catalogue were made and kept. In many cases there is one, but often it is a mere list of books and, save in a few cases, of a most temporary nature. For those libraries which cannot afford a printed catalogue, a large and well bound index register should be kept, which, besides answering the purpose of a catalogue, could contain all information necessary to trace a book from the time it was ordered to the time it was placed on the shelves.

In Brantford, as in St. Thomas last year, I was assured that the employment of a permanent librarian had been of the greatest benefit both to the library and to the association, and that they would not now willingly be without one. In the average library there is ample for one person to do if the reports and statutes are annotated, the articles in the periodicals indexed and the books kept properly arranged, clean and tidy. A law library is only of value to the practitioner if kept thoroughly up-to-date.

Some County Councils realize the advantage it is to their constituents to have at the disposal of the profession a good and up-to-date law library, and accordingly give the local association every encouragement, but these are very few, and the majority look upon it as an added expense the whole benefit of which accrues to the lawyer.

I have appended hereto for reference a separate report on each library inspected.

All of which is respectfully submitted.

DUNCAN DONALD.

Toronto, 30th October, 1901.

LAW SOCIETY OF UPPER CANADA.

MICHAELMAS TERM, 1901.

Thursday, Nov. 21st.

Present:—The Treasurer, and Messrs. Barwick, Bayly, Bruce, Chrysler, Douglas, Lash, Mackay, McPherson, Riddell, Robinson, Shepley and Strathy.

Ordered, upon a report from the Legal Education Committee, that Mr. W. T. Detlor, upon attendance on lectures during the second half of the present Law School Session and passing in the subjects in which he failed last term, be allowed his second year examination. That the following gentlemen be called to the Bar and do receive their certificates of fitness:—Messrs. W. D. B. Turville, N. Sinclair, G. J. McArthur, A. H. Monteith and C. S. Wilkie.

Mr. Lash gave notice that at the next meeting of Convocation he would move to introduce a rule to amend the rules affecting the admission of students.

The Treasurer announced that Mr. Byron Moffatt Britton, K.C., had been appointed on the 24th September, 1901, a Judge of the High Court of Justice and that consequently he was no longer a Bencher. It was therefore ordered that a special call of the Bench be made for Friday, 6th December, 1901, to elect a Bencher in the place of the Honourable Mr. Justice Britton.

The letter dated 8th October, 1901, from the Battonier of the Council of the Bar of Montreal inviting a representative from the Law Society to a Bar Dinner on the 26th October was read, and the Treasurer stated that Mr. D. B. Maclellan had been requested to attend and had attended and represented Convocation on the occasion.

Ordered that Mr. J. J. Landy and Mr. M. J. McCarron, who are solicitors of over ten years' standing, be called to the Bar.

The following gentlemen were then introduced and called to the Bar:—Messrs. J. J. Landy, M. J. McCarron, W. D. B. Turville, N. Sinclair, G. J. McArthur, A. H. Monteith and C. S. Wilkie.

Friday, Nov. 22nd.

Present:—The Treasurer, and Messrs. Aylesworth, Barwick, Guthrie, Hoskin, Idington, Martin, Mackay, McPherson, Riddell, Shepley and Strathy.

Ordered upon a report of the Discipline Committee that in the cases of the complaints of Mr. Donald Paterson against Mr. A. B., of Dr. A. Crichton also against Mr. A. B., and of the complaints of Mr. M. J. Paterson against Mr. C. D. and Mr. E. F., the Secretary do in each case inform the complainant that the matters complained of are not such as the Law Society can enquire into as the complainant has his remedy at law.

Convocation drew attention to the fact that no report had been made by the Special Committee appointed on the 7th June, 1901, in regard to proposed legislation affecting the administration of justice, and expressed a wish that in view of the near approach of the sitting of the Legislature, the Committee would present their views to Convocation.

At 11.05 Convocation adjourned to 12.30 p.m. At 12.30 p.m., present the Treasurer, and Messrs. Aylesworth, Barwick, Idington, Martin, McPherson and Strathy.

Mr. Idington on behalf of the Special Committee appointed to ascertain and report the best method of carrying out the Digest publication presented a report.

The report was received, and it was ordered that same with the draft report annexed thereto be taken into consideration on Friday, the 6th of December, 1901, and that a special call of the Bench be made for that purpose; and Convocation further ordered as an instruction to the said Committee, that they do, before the day for consideration of the said report, endeavour to procure offers for the publication of the digest as recommended.

Mr. McPherson, from the Special Committee appointed on the 7th day of June, 1901, in reference to the subject of conveyancing by others than solicitors, made an interim report.

The report was received and adopted, and it was ordered that the said Special Committee as at present composed be continued to carry out the objects for which it was formed, and to report to Convocation from time to time as such Committee may see fit.

Friday, 6th Dec.

Present:—The Treasurer, and Messrs. Barwick, Bayly, Bruce, Glenn, Guthrie, Hoskin, Kerr, Lash, Lynch-Staunton, Martin, McPherson, Proudfoot, Riddell, Ritchie, Robinson, Shepley, Teetzel, Watson and White.

Ordered that Mr. G. W. Spence be called to the Bar and do receive his certificate of fitness. Mr. Spence was then called to the Bar.

Mr. Lash, in pursuance of notice given, asked leave to introduce a rule to amend the rules relating to the admission of students, as follows:—

Rule 131 is hereby repealed and the following substituted therefor:—131. For the purposes of the admission of students at law on the books of the Society each term of the Society shall be deemed to continue until and include the day next before the commencement of the ensuing term, and the attendance or service under articles during term as hereby defined shall be effectual notwithstanding the later date of admission during such term.

Rule 149 is hereby repealed.

Rule 133 is hereby amended by striking out the words "Easter Term and Trinity Term" in the first line and inserting in lieu thereof the words "each Term."

The above amending rule was read a first and a second time, and by unanimous consent was read a third time and passed.

Mr. Richard Thomas Walkem, K.C., was elected a Benchman to fill the vacancy occasioned by the appointment of Mr. Justice Britton.

Mr. Watson, from the Special Committee appointed on the 7th day of June, 1901, to take action in regard to legislation affecting the jurisdiction of the Courts and the administration of justice, presented a report shewing that a meeting of the Committee had been called for 30th November, 1901, and as a result Mr. Watson was elected Chairman, and Mr. Duncan Donald, barrister, was appointed Secretary of the Committee, and Mr. Watson and Mr. Shepley were empowered to give Mr. Donald the necessary directions as to the information, particulars and other matters bearing upon the subject to be obtained by him. That the Chairman was requested to endeavour to ascertain

whether it is the intention of the Government to introduce legislation of the kind referred to, and the instructions to the Secretary are not in the meantime to be carried out unless it be ascertained that such legislation is to be introduced.

The report was received and adopted.

Mr. Watson from the Finance Committee presented the following report:—

That pursuant to the resolution of Convocation of the 15th February, 1901, referring to your Committee to report upon the advantage or desirability of investing a sum not exceeding \$50,000 in the debentures of loan companies or other approved securities, and to the further resolution of Convocation on the 25th June, 1901, adopting the report of your Committee presented on the last named day, your Committee have made enquiries as to the proposed investments. They have received offers from the following loan companies, namely, the Central Canada Loan and Savings Company, the Canada Permanent and Western Canada Mortgage Corporation, and the Huron and Erie Loan and Savings Company for the investment in each of these companies of the sum of \$10,000 for a period not exceeding one year at four per cent., in all \$30,000. The Solicitor of the Society has enquired into the power of these companies to issue the debentures in question and has reported that the same are within the powers respectively of each of the said companies and are in proper form to meet all the requirements for an investment. The Solicitor's reports are herewith submitted.

Your Committee therefore request that Convocation will give such further directions in the matter as may be proper, and also as to the disposal of the further balance of \$20,000 of the sum referred to in the resolution of 15th February, 1901.

Upon the question of the adoption of the report,

Mr. Aylesworth moved that this report be referred back to the Finance Committee with an instruction to report upon any investments to be made which the Finance Committee deem to be satisfactory. Carried on a division.

Upon the consideration of the instruction to the Special Committee relating to the Digest, that they do endeavour to procure offers for the publication of the Digest as recommended, Mr. Idington presented the following report:—

That since last report an invitation was issued to the Canada Law Book Company and the Carswell Company to tender for the distribution or publication of Digest if printed and bound by the Law Society. The copies of letters to them and replies thereto are presented herewith.

The attention of the two lowest tenderers for printing and binding, having been drawn to parts of their amended tenders needing explanation, they have replied by their respective letters presented herewith, and the result is to bring these tenderers into very close competition. A slight alteration in any of the details in either case might change the result if we had to decide which is the lowest. Both are understood to be reliable firms. Your Committee recommend that an attempt be made to procure a tender for printing, publishing and selling on a royalty basis in excess of a sum for price of manuscript, copyright to belong to the Society.

Mr. Bruce moved that the report be received and that the Committee be instructed, in addition to procuring tenders for printing, publishing and selling on a royalty basis as recommended, to advertise also for tenders for purchase of the compilation and the publication and sale thereof under such restrictions as to price, security, time of publication and so forth as the Committee may consider reasonable, and that Messrs. Shepley, Aylesworth and McPherson be added to the Special Committee.

Mr. Shepley moved in amendment to the above that all reference to the royalty be struck out.

Mr. Bruce's motion was carried on a division, and Convocation ordered that the Special Committee be requested to report, if possible, before the expiration of this year, with the view of such report being considered at a special Convocation to be called by the Treasurer.

Mr. Shepley presented the editor's quarterly report as to the state of reporting as follows: Toronto, 30 Nov. 1901. I have to report that in the Court of Appeal, there are 19 cases unreported, 11 of September, 6 of October and 2 of November—17 of which are ready. In the High Court, Mr. Harman has one case unreported, which, however, has been ordered to be re-argued. Mr. Lefroy has 8, 1 of August and 3 of September, all ready to issue, 1 of October and 3 of November. Mr. Boomer has 3, 1 of October and 2 of November. Mr. Brown has 11, 1 of September and 2 of October all ready to issue, and 8 of November. Mr. Rolph has 12, 9 of October, of which 8 are ready to issue, and 3 of November.

Mr. Shepley, on behalf of the Reporting Committee, further reported that the matters which by the order of Convocation on the 10th September, 1901, had been referred to them, had been discussed and further consideration thereof adjourned until after one year's experience had been had of the present system of reporting.

The petition of Geo. V. McHugh, stating that he is a Canadian by birth, and a graduate in law, University of Ottawa, that he had studied law three years in Canada and had practised twelve years in the United States, and asking for the approval and sanction of the Law Society in respect to a bill which he contemplates presenting to the Legislature so as to enable him to practise law in this Province, was read. Ordered that Convocation cannot comply with his request.

Mr. Guthrie gave notice of a motion at next meeting of Convocation to alter the hours of the meetings of Convocation.

Mr. Idington gave notice that at the next meeting of Convocation he would move—

That a contract be let to that one of the two lowest tenderers for the printing by machine and binding of the digest that will accept it on the basis of assuming that the completed manuscript does not exceed four thousand five hundred pages of hand-set type, and when set by machine will not charge for more pages than would result from hand-setting work, and whose tender when moneyed out will, in the opinion of an expert considering the details, be most advantageous, having in view the desirability of the Society being able to separate the printing from the binding and have an option as to that upon the whole or part of the work and some right of rejection or selection of machine to be used. That upon the foregoing resolution being adopted, the Committee have power to let and report the best contract available for publication of digest on the basis of thirty dollars a copy to members of the Law Society.

Mr. Walkem was elected a member of the Finance, Reporting and County Libraries Committees.

Convocation then rose.

LAW SOCIETY OF UPPER CANADA.

Report of Special Committee.

Mr. Idington, on behalf of the Special Committee appointed in relation to the Consolidated Digest, reported as follows :—

Your Committee having issued the draft of report hereto annexed, prefer now, unanimously, to recommend that the printing be assumed by the Law Society, if before the contract for printing be let to the approved tenderer, there can be procured a satisfactory proposal for publication, giving some assurance of sales on basis that cost of printing will be recouped the Society.

OSGOODE HALL,

22ND Nov., 1901.

JOHN IDINGTON,
Chairman.

DRAFT REPORT.

To the Treasurer and Benchers in Convocation :

Your Committee beg to report that since former report there has been received a tender from for linotype printing and binding at \$2.97 per page, or \$3.83 per page of hand set type and binding, but asking for changes from original composition in case of linotype \$1.15 per hour, or in case of hand setting, 45c. per hour.

And a tender from that is somewhat higher when reduced to a per page price, but for linotype as well as hand setting asks a uniform charge of 45c. per hour.

A new tender has also been received from This last tender of which with the foregoing is submitted herewith. may be briefly summarized as offering to take the manuscript and print and publish it at twenty-eight dollars a copy for a short term to the profession in Ontario.

. present another offer to do the same thing for twenty dollars a copy, with this difference, however, that their work would be done by linotype, whilst the other Company would do it either by linotype or hand setting of type.

[OVER]



As a matter of taste some capable judges of the two prefer the hand setting work over that of the linotype. Both of these proposals to publish proceed upon the basis that the work yet to be done by Mr. Smith, in way of revisions, etc., under his contract, will be done same as if for any of the tenderers for printing only. The burden of that contract must be borne either way, that has been presented, out of present condition of things.

As a matter of expense, assuming that the changes in original composition (as the editor assures us) will be comparatively speaking slight, the cost of printing will be, according to the lowest tender received, much less in linotype than hand setting.

The acceptance of this lowest tender is, therefore, recommended with such an agreement as will, if possible, secure a reduction of the \$1.15 charge for extra hours and will in other respects, by its limitations and conditions, safeguard the interests of the Society.

If this course is adopted your committee would recommend selling the work at the net price of twenty dollars per copy.

These members of the Law Society ordering from the Secretary within six months, should get the benefit of this low price. Those not doing so should pay the expense of selling through publishers, and be charged \$25 a copy.

An advertisement is recommended at an early date inviting tenders for the largest number of copies remaining after expiration of six months' option to be taken and disposed of within three years at the price of \$25 to members of the Law Society, and at such other price for others as the tenderers chose to fix.

The disposal of 800 copies on this basis would cover all the expense at all likely to be incurred by adopting the tender recommended, and leave your Society owner of as many more copies for the future benefit of the Society, whereby the heavy expenses of the compilation might be partly recouped. These not to be bound until needed.

The Robinson & Joseph Digest, of which twelve hundred copies were printed, is now out of print and it is submitted that shows the estimated sale of 800 copies within three years is a conservative estimate and the prospect of selling remainder of proposed issue such as to promise some return of the expense already incurred.

The tenderers who are offering to take the manuscript and assume beyond the burden of Mr. Smith's contract, all risks, and the two lowest for printing and binding alone, have been asked to supply ten pages of the Digest printed as a standard they will agree to be bound by, and these specimen copies are submitted herewith.

The correspondence resulting from enquiries of Law Associations as to probable numbers of subscribers for copies of the proposed Digest is also submitted herewith, as also the new tenders mentioned above.

All of which is respectfully submitted,

JOHN IDINGTON,
Chairman.

Dated this 18th day of November A.D. 1901.



LAW SOCIETY OF UPPER CANADA.

HILARY TERM, 1902.

Thursday, February 6th.

Present:—The Treasurer and Messrs. Barwick, Bayly, Bruce, Hoskin, Idington, Martin, McKay, MacLennan, McPherson, Robinson, Shepley, Strathy, Teetzel, Walkem and Watson.

Ordered, upon a report from the Legal Education Committee, that a set of the Supreme Court Reports be placed in the Students' Library, and that the current series be supplied under the direction of the Librarian. That the petition of Mr. P. A. Gahan to be allowed to attend the Law School during the present session be granted. That in the case of Mr. R. D. Moorhead, the Committee be requested to report again after further inquiry. That Messrs. Barwick, Teetzel and Walkem be appointed a Special Committee to examine Mr. Auguste Lemieux, a member of the Bar of Quebec, as to his qualifications for admission to the Bar of Ontario.

The report of the Library Committee was presented. (This report has been printed and distributed to the profession with the law reports).

The Committee on Journals and Printing presented a rough draft of the existing rules in a revised form, and pointed out that rules 86 to 96 inclusive, have practically become obsolete and suggested their omission, and that the draft be printed and the proof distributed among the Benchers with a request for their suggestions on any points and that the same then receive the further consideration of the Committee and be submitted to Convocation.

Ordered, that Mr. A. P. E. Panet and Mr. N. A. Bartlett, solicitors of over ten years' standing, be called to the Bar.

Ordered, that the letter of Mr. Angus McMurphy relating to a series of reports, under the editorship of himself and Mr. Shirley Denison, entitled Canadian Railway Cases, and asking permission to use the Law Society's series of reports, including the head-notes, be referred to the Reporting Committee for report to Convocation on the matter taking into consideration whether it will have any bearing on the Society's contract with Mr. Cromarty.

Ordered upon a report from the County Libraries Committee that the Bar Association of Rainy River who have made application for a supplementary initiatory grant, the members thereof having contributed since the making of the initiatory grant the sum of \$80 over and above the payment of the annual fee recognized by the Law Society, do receive a supplementary grant of \$80, this with the former grant not exceeding \$20 for each practitioner resident in the district.

The Special Committee appointed to examine Mr. Lemieux as to his qualifications for Call to the Bar, reported that they had examined him and he had passed the examination to their satisfaction. Ordered that Mr. Lemieux be called to the Bar, and he was then introduced and called to the Bar.

Mr. McPherson from the Special Committee appointed in relation to Conveyancing by others than members of the profession reported:—That in pursuance of a former report and the instruction of Convocation, your Committee has caused a circular letter to be printed and addressed to each County Law Association, requesting their assistance in procuring the passage of legislation therein set forth, and asking for suggestions in

reference thereto. That speaking generally, the proposed legislation meets with favour, and the Associations and their members will give their assistance as requested. That section 5 of the proposed bill be amended by providing that any person may be entitled to make a search, as to whether any named person has or has not filed and deposited a declaration in compliance with the Act, but that a certificate as therein mentioned can only be had by a person who is a plaintiff in a suit for infringement of the Act. The report was received and adopted.

Mr. McPherson gave notice of motion as follows:—That as the Statutes of the Dominion are about to be revised, the time is opportune for attempting to have them annotated by containing references in appropriate places to cases decided thereunder, or aiding in determining the construction thereof in the various provinces, and that with this object in view the Secretary of this Society be instructed to communicate with the Honourable the Minister of Justice, offering on behalf of the Society to supply free of charge the necessary data as to Ontario decisions, and if the reply of the Minister is in favour of the insertion thereof in the Revised Statutes of Canada, then to invite the co-operation of Law Societies in the other provinces to do likewise as regards the decisions of the Courts in their respective provinces, and that in the event of the offer of this Society being accepted, a Special Committee be appointed to carry out the work with authority to ask assistance from the Principal of the Law School, and the Lecturers and Examiners and also the Editor of the Law Reports and the Reporters.

Friday, Feb. 7th.

Present:—The Treasurer and Messrs. Bruce, Foy, Guthrie, Idington, McKay, McPherson, Robinson, Strathy and Watson.

Mr. Guthrie's motion as to a change in the hours of meeting was referred to the Committee on Journals, with a request to report to Convocation as to change of hours of meeting, and the propriety of taking up Legal Education reports relating to the career of students and questions of call on the second day of Term in lieu of the first as has been usual, and any other changes in the order of business which the Committee may deem desirable, and that Mr. Guthrie be requested to attend the meeting of the Committee on the consideration of such matters.

Mr. Idington, from the Special Committee, appointed in relation to the Digest publication, presented a report recommending that a Special Call of the Bench be made for Friday, the 14th inst., for consideration of the offer before Convocation. Ordered accordingly, and it was further ordered that Mr. Hamilton Cassels be requested to draft a contract applicable to the offer of the Carswell Company, and that Mr. Cassels may refer for information to the Treasurer, Mr. Idington, or Mr. Watson, or either of them.

Mr. Watson, from the Special Committee, appointed in Easter Term, in regard to proposed legislation, reported:—That information had been obtained that the proposed bill in regard to Law Reform would not be introduced at the present Session of the Legislature, that the Committee had, therefore, not taken any further steps or incurred any expense, and recommended that the instruction and authority given them by Convocation be continued. Ordered accordingly.

Ordered that the Minister of Justice be respectfully informed that in view of the expected revision of the Statutes of Canada, the Law Society is prepared, in the event of the proposal being acceptable, to furnish to the members composing the Committee of Revision references to all cases decided by the Ontario Courts of Justice as applicable to such statutes including the decisions consequent of the Supreme Court of Canada and the Judicial Committee of the Privy Council, the hope being that, in the event of such suggestion being admissible and accepted, the legal bodies of other Provinces will supply

their decided cases in like manner, and that the Treasurer do communicate the foregoing to the Honourable the Minister of Justice.

Friday, February 14th.

Present:—The Treasurer and Messrs. Aylesworth, Barwick, Bayly, Bruce, Hoskin, Idington, McPherson, Riddell, Ritchie, Robinson, Shepley, Watson and White.

Messrs. A. P. E. Panet and N. A. Bartlett were called to the Bar. Ordered that the letter directed to be sent to the Honourable the Minister of Justice on Mr. McPherson's motion of Friday last (which has not yet been sent) be confined to a simple enquiry whether such annotation of the Statute Revision as the motion contemplates is considered to be feasible and expedient; and that Convocation defer consideration of the motion until the Minister has replied to the enquiry.

The letter of Mr. Auguste Lemieux expressing his thanks to the Benchers for admitting him to the Bar of this Province was read.

The letter of Mr. R. T. Walkem, as to the meetings of Convocation and Committees, was read and referred to the Committee on Journals with a request that the same be considered and the views of the Committee be reported to Convocation at the same time as the matter of Mr. Guthrie's motion as to the hours of meeting.

Ordered that the Committee on Journals be requested to accompany their Consolidation of the Rules with a draft rule to provide that on all motions relating to the expenditure of the sum of \$2,000 and upwards and in the determining the salary to be attached to any new office that may be created which may amount to \$400 and upwards, a two-thirds majority of the Benchers present shall be necessary.

Mr. Watson, from the Finance Committee, presented the statement of receipts and expenditure for the year 1901, which was ordered to be printed and distributed to the profession; also the estimate of receipts and expenditure for the year 1902.

On motion of Mr. Idington, the subject of the proposal made by the Carswell Company for the purchase of the Consolidated Digest was taken up. The proposal and the draft agreement prepared by Mr. Hamilton Cassels were read. After discussion it was ordered:—

That it be referred to a Select Committee composed of the Treasurer and Messrs. Watson, Barwick, Ritchie, Idington and Bruce to close the agreement on the basis of the contract prepared by Mr. Cassels, subject to certain variations and limitations, with power to the Committee to deal with any details which may seem to them proper and to direct the execution of the agreement when settled by them. In the event of the negotiation by the Committee failing to carry out the agreement as above proposed and intended under the variations and considerations, then that power is conferred upon the Committee as above composed to enter into and make any agreement for the sale of the compilation as to the Committee may seem proper, except such agreement as would commit the Society to the expense of the publication.

Ordered upon a report of the Reporting Committee that Mr. Angus MacMurchy be granted the privilege asked by him of making use of the Law Society's law reports, including the head notes in the compilation of his work, "Canadian Railway Cases," the publisher of the reports assenting thereto; and ordered further that such leave is not to extend beyond five years.

LAW SOCIETY OF UPPER CANADA.

HILARY TERM, 1902.

Thursday, February 6th.

Present:—The Treasurer and Messrs. Barwick, Bayly, Bruce, Hoskin, Idington, Martin, McKay, MacLennan, McPherson, Robinson, Shepley, Strathy, Teetzel, Walkem and Watson.

Ordered, upon a report from the Legal Education Committee, that a set of the Supreme Court Reports be placed in the Students' Library, and that the current series be supplied under the direction of the Librarian. That the petition of Mr. P. A. Gahan to be allowed to attend the Law School during the present session be granted. That in the case of Mr. R. D. Moorhead, the Committee be requested to report again after further inquiry. That Messrs. Barwick, Teetzel and Walkem be appointed a Special Committee to examine Mr. Auguste Lemieux, a member of the Bar of Quebec, as to his qualifications for admission to the Bar of Ontario.

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Ordered, that Mr. A. P. E. Panet and Mr. N. A. Bartlett, solicitors of over ten years' standing, be called to the Bar.

Ordered, that the letter of Mr. Angus McMurchy relating to a series of reports, under the editorship of himself and Mr. Shirley Denison, entitled Canadian Railway Cases, and asking permission to use the Law Society's series of reports, including the head-notes, be referred to the Reporting Committee for report to Convocation on the matter taking into consideration whether it will have any bearing on the Society's contract with Mr. Cromarty.

Ordered upon a report from the County Libraries Committee that the Bar Association of Rainy River who have made application for a supplementary initiatory grant, the members thereof having contributed since the making of the initiatory grant the sum of \$80 over and above the payment of the annual fee recognized by the Law Society, do receive a supplementary grant of \$80, this with the former grant not exceeding \$20 for each practitioner resident in the district.

The Special Committee appointed to examine Mr. Lemieux as to his qualifications for Call to the Bar, reported that they had examined him and he had passed the examination to their satisfaction. Ordered that Mr. Lemieux be called to the Bar, and he was then introduced and called to the Bar.

Mr. McPherson from the Special Committee appointed in relation to Conveyancing by others than members of the profession reported:—That in pursuance of a former report and the instruction of Convocation, your Committee has caused a circular letter to be printed and addressed to each County Law Association, requesting their assistance in procuring the passage of legislation therein set forth, and asking for suggestions in

reference thereto. That speaking generally, the proposed legislation meets with favour, and the Associations and their members will give their assistance as requested. That section 5 of the proposed bill be amended by providing that any person may be entitled to make a search, as to whether any named person has or has not filed and deposited a declaration in compliance with the Act, but that a certificate as therein mentioned can only be had by a person who is a plaintiff in a suit for infringement of the Act. The report was received and adopted.

Mr. McPherson gave notice of motion as follows:—That as the Statutes of the Dominion are about to be revised, the time is opportune for attempting to have them annotated by containing references in appropriate places to cases decided thereunder, or aiding in determining the construction thereof in the various provinces, and that with this object in view the Secretary of this Society be instructed to communicate with the Honourable the Minister of Justice, offering on behalf of the Society to supply free of charge the necessary data as to Ontario decisions, and if the reply of the Minister is in favour of the insertion thereof in the Revised Statutes of Canada, then to invite the co-operation of Law Societies in the other provinces to do likewise as regards the decisions of the Courts in their respective provinces, and that in the event of the offer of this Society being accepted, a Special Committee be appointed to carry out the work with authority to ask assistance from the Principal of the Law School, and the Lecturers and Examiners and also the Editor of the Law Reports and the Reporters.

Friday, Feb. 7th.

Present:—The Treasurer and Messrs. Bruce, Foy, Guthrie, Idington, McKay, McPherson, Robinson, Strathy and Watson.

Mr. Guthrie's motion as to a change in the hours of meeting was referred to the Committee on Journals, with a request to report to Convocation as to change of hours of meeting, and the propriety of taking up Legal Education reports relating to the career of students and questions of call on the second day of Term in lieu of the first as has been usual, and any other changes in the order of business which the Committee may deem desirable, and that Mr. Guthrie be requested to attend the meeting of the Committee on the consideration of such matters.

Mr. Idington, from the Special Committee, appointed in relation to the Digest publication, presented a report recommending that a Special Call of the Bench be made for Friday, the 14th inst., for consideration of the offer before Convocation. Ordered accordingly, and it was further ordered that Mr. Hamilton Cassels be requested to draft a contract applicable to the offer of the Carswell Company, and that Mr. Cassels may refer for information to the Treasurer, Mr. Idington, or Mr. Watson, or either of them.

Mr. Watson, from the Special Committee, appointed in Easter Term, in regard to proposed legislation, reported:—That information had been obtained that the proposed bill in regard to Law Reform would not be introduced at the present Session of the Legislature, that the Committee had, therefore, not taken any further steps or incurred any expense, and recommended that the instruction and authority given them by Convocation be continued. Ordered accordingly.

Ordered that the Minister of Justice be respectfully informed that in view of the expected revision of the Statutes of Canada, the Law Society is prepared, in the event of the proposal being acceptable, to furnish to the members composing the Committee of Revision references to all cases decided by the Ontario Courts of Justice as applicable to such statutes including the decisions consequent of the Supreme Court of Canada and the Judicial Committee of the Privy Council, the hope being that, in the event of such suggestion being admissible and accepted, the legal bodies of other Provinces will supply

their decided cases in like manner, and that the Treasurer do communicate the foregoing to the Honourable the Minister of Justice.

Friday, February 14th.

Present:—The Treasurer and Messrs. Aylesworth, Barwick, Bayly, Bruce, Hoskin, Idington, McPherson, Riddell, Ritchie, Robinson, Shepley, Watson and White.

Messrs. A. P. E. Panet and N. A. Bartlett were called to the Bar. Ordered that the letter directed to be sent to the Honourable the Minister of Justice on Mr. McPherson's motion of Friday last (which has not yet been sent) be confined to a simple enquiry whether such annotation of the Statute Revision as the motion contemplates is considered to be feasible and expedient; and that Convocation defer consideration of the motion until the Minister has replied to the enquiry.

The letter of Mr. Auguste Lemieux expressing his thanks to the Benchers for admitting him to the Bar of this Province was read.

The letter of Mr. R. T. Walkem, as to the meetings of Convocation and Committees, was read and referred to the Committee on Journals with a request that the same be considered and the views of the Committee be reported to Convocation at the same time as the matter of Mr. Guthrie's motion as to the hours of meeting.

Ordered that the Committee on Journals be requested to accompany their Consolidation of the Rules with a draft rule to provide that on all motions relating to the expenditure of the sum of \$2,000 and upwards and in the determining the salary to be attached to any new office that may be created which may amount to \$400 and upwards, a two-thirds majority of the Benchers present shall be necessary.

Mr. Watson, from the Finance Committee, presented the statement of receipts and expenditure for the year 1901, which was ordered to be printed and distributed to the profession; also the estimate of receipts and expenditure for the year 1902.

On motion of Mr. Idington, the subject of the proposal made by the Carswell Company for the purchase of the Consolidated Digest was taken up. The proposal and the draft agreement prepared by Mr. Hamilton Cassels were read. After discussion it was ordered:—

That it be referred to a Select Committee composed of the Treasurer and Messrs. Watson, Barwick, Ritchie, Idington and Bruce to close the agreement on the basis of the contract prepared by Mr. Cassels, subject to certain variations and limitations, with power to the Committee to deal with any details which may seem to them proper and to direct the execution of the agreement when settled by them. In the event of the negotiation by the Committee failing to carry out the agreement as above proposed and intended under the variations and considerations, then that power is conferred upon the Committee as above composed to enter into and make any agreement for the sale of the compilation as to the Committee may seem proper, except such agreement as would commit the Society to the expense of the publication.

Ordered upon a report of the Reporting Committee that Mr. Angus MacMurchy be granted the privilege asked by him of making use of the Law Society's law reports, including the head notes in the compilation of his work, "Canadian Railway Cases," the publisher of the reports assenting thereto; and ordered further that such leave is not to extend beyond five years.

STATEMENT OF RECEIPTS AND EXPENDITURE OF THE LAW SOCIETY

FOR THE YEAR ENDING 31ST OF DECEMBER, 1901.

PURSUANT TO R. S. O. (CHAPTER 172, SECTION 53).

The figures on the left are the corresponding items for the year 1900.

1900	RECEIPTS.	1901
	Solicitors' Certificates :	
	Paid after the beginning of the year, but	
\$ 3,019 00	payable the Michaelmas previous	\$ 3,495 73
225 75	Fines Collected	344 00
	Fees and Fines in arrear prior to the pre-	
572 25	ceding Michaelmas	443 89
21,990 00	Payable in Michaelmas of the current year.	21,480 00
\$25,807 00		\$25,763 62
	Barristers' Annual Fees :	
	Paid after the beginning of the year, but	
\$ 413 00	payable the Michaelmas previous.....	\$ 490 00
	In arrear prior to the Michaelmas of the	
179 00	preceding year	138 00
2,846 00	Payable in Michaelmas of the current year.	2,774 00
\$ 3,438 00		\$ 3,402 00
124 00	Notice Fees.....	97 00
\$ 2,800 00	Students' Admission Fees.....	\$ 2,350 00
150 00	Less Fees returned	50 00
\$ 2,650 00		\$ 2,300 00
123 00	Fees on Petitions and Diplomas.....	68 00
5,240 00	Law School Tuition Fees.....	7,280 00
3,470 00	Solicitors' Examination Fees	2,830 00
	Call Fees under 57 Vict. cap. 44 and other	
\$ 200 00	Cases.....	\$ 600 00
5,820 00	Call Fees in Ordinary Cases	4,630 00
		\$ 5,230 00
\$ 6,020 00		
300 00	Less Fees returned	
\$ 5,720 00		\$ 5,230 00
\$46,572 00	Carried forward	\$46,970 62

\$ 46,572 00	Brought forward	\$ 46,970 62
\$ 2,703 98	Receipts from Sales of Reports and Digest to the Canada Law Book Company	
	County Library Loans returned :—	
30 00	Essex	30 00
16 00	Norfolk	16 00
34 50	Peterboro'	34 50
52 50	Leeds	52 50
18 00	Grey	
32 50	Perth	32 50
50 00	Lindsay	50 00
\$ 233 50		\$ 215 50
53 44	Commission on Telegraph Messages	44 39
2,551 67	Interest and Dividends	2,234 16
3 30	Fines in respect of Students' Lending Library	1 10
175 00	Grant from Ontario Government in aid of Telegraph and Telephone Service	175 00
532 00	Subscriptions for Statutes for 1900	
430 00	“ “ “ “ 1901	26 00
	“ “ “ “ 1902	454 00
962 00		480 00
\$ 53,254 89	Grand Total	\$ 50,120 77

EXPENDITURE.

	REPORTS :—	
\$ 2,599 67	Printing Reports	\$ 3,137 91
	Salaries :—	
\$ 2,000 00	Editor	\$ 2,000 00
1,200 00	Reporter, Q. B. D.	1,200 00
1,200 00	“ C. P. D.	1,200 00
1,200 00	“ Chy. D.	1,200 00
1,200 00	“ “	1,200 00
1,200 00	“ Court of Appeal	1,200 00
900 00	“ Practice Cases	1,175 00
\$ 8,900 00		\$ 9,175 00
\$ 11,499 67		\$ 12,312 91
	COST OF CONSOLIDATED DIGEST :—	
	Amount paid to the Editor-in-Chief, Mr. J. F. Smith, as progressive payments	
\$ 2,500 00	on account of the compilation	\$ 3,200 00
	Stationery, Material and Advertising	57 20
		\$ 3,257 20
	LAW SCHOOL :—	
	Salaries :—	
\$ 5,000 00	Principal	\$ 5,000 00
6,000 00	Four Lecturers at \$1,500 each	6,000 00
1,500 00	Salaries of Examiners	1,650 00
\$ 12,500 00		\$ 12,650 00
\$ 13,999 67	Carried forward	\$ 15,570 11

\$ 13,999 67	\$12,500 00	Brought forward.....	\$ 12,650 00	\$15,570 11
	217 30	Scrutineers at Examinations.....	185 00	
	283 50	Printing and Stationery.....	280 60	
	819 78	Scholarships and Medals.....	766 23	
		Caretaking, Light, Heating, Furniture		
	756 70	and Maintenance.....	908 21	
\$14,577 28	-----		-----	\$14,790 04

LIBRARY:—

\$ 3,355 96	Books.....	\$ 3,178 20
268 90	Binding and Repairs.....	548 81
158 15	Maintenance, including Stationery.....	167 40
	Salaries:—	
\$1,800 00	Librarian.....	\$1,800 00
1,000 00	Asst. Librarian.....	1,000 00
	Attendants during	
	180 25 evenings	178 50
2,980 25	-----	2,978 50
\$ 6,763 26	-----	\$ 6,872 91

\$ 673 20	LIBRARY CATALOGUE.....	-----
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LAW COSTS:—

\$ 100 00	Solicitor's Allowance	\$ 100 00
267 55	Taxed Costs and Counsel Fees	975 35
\$ 367 55	-----	\$ 1,075 35

\$ 695 20	TELEGRAPH AND TELEPHONE OFFICE	\$ 692 70
-----------	--------------------------------------	-----------

LIGHT, HEATING, WATER, GROUNDS, AND
INSURANCE:—

	Payment to Ontario Government for Steam	
\$ 890 00	Heating.....	\$ 890 00
555 82	Lighting	628 95
95 02	Heating	77 08
190 94	Water	97 22
1,021 23	Grounds	1,089 46
	Insurance for 3 years on East Wing and	
1,228 00	Library	-----
40 40	Insurance on Law School.....	67 50
33 56	Insurance on Stock of Reports.....	15 60
5 00	Insurance on Books at Bindery.....	5 00
	Workmen's Risks in respect of renovation	
	of Library	89 75
	Rent for Safe Deposit Drawer for Inven-	
8 00	tories	8 00
\$ 4,067 97	-----	\$ 2,968 56

\$ 362 62	ADDITIONS, ALTERATIONS, REPAIRS AND FURNITURE.....	\$ 1,171 34
-----------	----------------------------------------------------	-------------

\$41,506 75	-----	\$43,141 01
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\$ 41,506 75

Expenditure—Brought forward \$43,141 01

COUNTY LIBRARIES AID :—

Annual Grants.

\$123 33	Brant	\$146 34
46 00	Bruce	40 00
445 00	Carleton	520 00
140 34	Elgin	147 50
171 67	Essex	171 67
113 54	Frontenac	117 67
113 34	Grey	100 37
640 00	Hamilton	510 00
96 00	Hastings	94 34
205 00	Huron	210 00
140 00	Kent	141 67
202 67	Leeds	172 67
190 00	Lindsay	190 00
495 00	Middlesex	500 00
65 00	Norfolk	60 00
	Ontario	122 54
155 84	Oxford	
103 34	Perth	108 34
163 00	Peterborough	163 00
116 67	Simcoe	135 00
90 50	Waterloo	120 00
80 00	Welland	65 00
185 00	Wellington	180 00
800 00	York	800 00

4,881 24

4,816 11

200 00

Payment to Inspector for 1900 \$.....
 “ “ “ 1901 200 00

Inspectors' Disbursements, in-
 spection of library at Rat

Portage..... 50 95

250 95

Initiatory Grants.

\$280 00 Rainy River

720 00 Stormont, Dundas and Glengarry ..

1,000 00

\$ 6,081 24

\$ 5,067 06

SECRETARIAT AND CARETAKING :—

\$1,500 00	Secretary's Salary	\$1,500 00
100 00	Auditor's Fee	100 00
525 00	Caretaker's Wages	525 00
166 93	General Expenses and Housecleaning	150 01

\$ 2,291 93

\$ 2,275 01

\$ 267 75

PRINTING, ADVERTISING AND STATIONERY \$ 341 86

\$ 50,147 67

Carried forward \$50,824 94

\$50,147 67	Expenditure—Brought forward.....	\$50,824 94
	SUPREME COURT REPORTS :—	
	Balance of Subscription to Vol. 29 and Subscription to Vol. 30 as per contract with the Dominion Government	
2,258 75	Subscription to Vol. 31 as per contract with the Government	1,940 00
	STATUTES :—	
	Payments made for supply of Ontario and Dominion Statutes to Members of the Profession subscribing through the Law Society	432 25
505 40	EXPENSES OF BENCHERS' ELECTION, 1901	715 15
	FLAGSTAFF AND FLAG.....	96 50
	LAW REFORM AND LUNCHEONS FOR DELEGATES	238 15
	COMMITTEE ON UNLICENSED CONVEYANCES	9 00
	CONTRIBUTION TO EXPENSE OF SIDEWALK	76 58
	MISCELLANEOUS :—	
	Portraits	\$400 00
\$347 00	Term Lunches	381 50
250 00	Grant to Widow of the late Secretary	250 00
77 10	Postage	79 20
3 02	Telegrams	3 88
3 00	Rent of Box in Safe Deposit Vaults	3 00
21 45	Ice for the year.....	19 80
7 39	Miscellaneous	93 96
4 65	Express and Freight Charges	55
10 00	Grant in aid of Circuit Guide	10 00
25 00	Grant in aid of Students' Baseball Club.....	.....
748 61		1,241 89
<u>\$53,660 43</u>		<u>\$55,574 46</u>

TORONTO,

7th January, 1902.

Audited and found correct,

W. H. CROSS,

Auditor.

LAW SOCIETY OF UPPER CANADA.

TO THE TREASURER AND BENCHERS IN CONVOCATION ASSEMBLED:

The Library Committee beg leave to report as follows:—

Your Committee submit herewith the Librarian's Report for the year 1901, and recommend that the said Report be printed and distributed with the next number of the current reports.

A. B. AYLESWORTH,
Chairman.

February 6th, 1902.

THE LIBRARY, OSGOODE HALL,
TORONTO, January 25th, 1902.

TO THE CHAIRMAN AND MEMBERS OF THE LIBRARY COMMITTEE OF THE LAW SOCIETY OF UPPER CANADA:

The Librarian begs to submit his Report for the year 1901, as follows:—

The total expenditure upon Library Account during the year was \$6,872.91, disbursed as follows:—

Books and Periodicals.....	\$3,107 42
Binding	352 85
Re-binding, Repairs, etc.....	195 88
Stationery and Sundries.....	238 26
Salaries	2,978 50

\$6,872 91

Accompanying this report are detailed statements of the expenditure for books and periodicals, and an estimate of the expenditure for the current year. In the latter is included the sum of \$1,200, which was added to the estimate of last year's expenditure to defray the cost of publication of an Author-Catalogue, but was not expended.

The number of bound volumes added to the Library last year was 1,155. Of these 764 were purchased, 233 were taken in as periodicals and subsequently bound, and 158 were presented. Among the latter were 41 volumes bequeathed to the Library by the late Rev. Dr. Scadding, together with miniature portraits in oil of Chief Justice Osgoode and Governor Simcoe, copied from originals in England. A classified list of the accessions and a list of the presentations will be found appended to this report. The bound volumes in the Library now number 31,958.

The Librarian begs respectfully to direct the attention of the Committee to the urgent need for space for the rapidly increasing contents of the Library. The proposed addition of the two rooms to the north of the Main Library will, if carried into effect, meet immediate necessities, but, at the present rate of growth, even this provision will have become inadequate within five years.

The attendance of readers in the evenings shews an increase over that of the previous year, when the total was 2,555 for 240 evenings. The Library was open on 232 evenings last year, and the attendance was as follows:—

	TOTAL.	AVERAGE.
Barristers	1,216	5.24
Students.....	1,647	7.09
	<hr/> 2,863	<hr/> 12.33'

Having just completed his tenth year in the service of the Law Society, the Librarian begs to submit the following brief summary of the work carried on in the Library since his appointment.

The number of books added to the Library during the ten years 1892-1901 is 12,596, being considerably more than one-third of the number now on the shelves. Of these, 1306 were presented, 2046 were taken in in serial form and subsequently bound, and 9244 were purchased as bound volumes. They may be classified as follows:—

Reports	4483	volumes.
Legal Treatises.....	1473	"
Statutes.....	1338	"
Digests and Indexes	807	"
Parliamentary	1522	"
General Literature.....	733	"
Miscellaneous (including bound periodicals)	2240	"
	<hr/> 12596	<hr/> "

The cost of these books, including all charges for freight, stamping, binding, etc., was \$43,537.27. The average cost of each volume was \$3.45; the average cost of each volume not presented was \$3.85.

The Library expenditure during the ten years was as follows:—

Books	\$33,993 09
Periodicals.....	4,264 77
Stamping	532 10
Duty, Freight, etc.	1,529 41
Binding.....	3,217 90
	<hr/> \$43,537 27
Re-binding and other Repairs	2,313 51
Stationery and Sundries	2,550 77
Salaries.....	28,813 09
	<hr/> \$77,214 64
Publication of Subject-Index.....	673 20
	<hr/> \$77,887 84

The item "Duty, Freight, etc., \$1,529.41," includes the sum of \$801.75 paid for duty, as in previous years—in the years 1892 and 1893. Early in 1894, after representations made by the Librarian to the Controller of Customs, the appraiser at Toronto was authorized to pass the Society's entries of imported books under the exemption clause of the tariff, and since that time no expenditure for duty has been incurred.

Among other matters which have largely occupied the attention of the Librarian may be mentioned the compilation of an entirely new and greatly enlarged Subject-Index, published last year, and a new Author-Catalogue, now almost ready for the press. These works have been in preparation for eight years past.

All cases affirmed, reversed, followed, overruled or judicially commented on in judgments reported in the Law Reports since the beginning of the year 1891 have been "noted up" in the Society's reports (including the six sets of the Law Reports), thus making these reports in themselves a complete continuation of Talbot and Fort's "Index." This work, which has necessitated many thousands of entries, is done quarterly, and is thus kept constantly up to date. In our own reports, all cases affirmed or reversed are similarly "noted up," the work having been done in this case from the beginning of each set. In 1893 a "Current Digest" of the Law Society's reports was instituted and continued for a number of years until the volume became practically useless through rough treatment. A plan by which this difficulty may be overcome in future is now under consideration.

All of which is respectfully submitted.

W. GEO. EAKINS,
Librarian.

EXPENDITURE, 1901.

Books, Periodicals, etc. :—

Books and Pamphlets	\$2,630 07
Periodicals	362 65
Stamping	44 30
Freight, brokerage, etc.....	70 40
	<hr/>
	\$3,107 42
Binding	352 85
Re-binding, repairs, etc.....	195 98
Stationery and sundries	238 26
Salaries	2,978 50
	<hr/>
	\$6,872 91
	<hr/>

ESTIMATED EXPENDITURE, 1902.

Books, Periodicals, etc.

Books and Pamphlets.....	\$4,100 00
Periodicals	500 00
Stamping	75 00
Freight, brokerage, etc.....	75 00
	<hr/>
	\$4,750 00
Binding	350 00
Re-binding, repairs, etc.....	200 00
Stationery and sundries.....	225 00
Salaries	2,975 00
	<hr/>
	\$8,500 00
	<hr/>
Cost of author section of new catalogue, not to exceed.....	\$1,200 00
	<hr/>

LIBRARY ACCESSIONS, 1901

	VOLS.	COST.
Texts—Canada	18	\$ 95 25
“ United Kingdom	87	367 11
“ United States	20	75 43
Reports—Canada	76	116 94
“ United Kingdom	102	353 36
“ Australasia	17	221 00
“ India	4	15 00
“ United States	271	828 06
Statutes—Canada	51	51 05
“ United Kingdom	10	9 85
“ Australasia	8	83 62
“ United States	55	132 18
Digests and Indexes	68	255 14
Parliamentary	141	178 40
Miscellaneous (including Periodicals)	160	388 93
General Literature	67	96 21
	<hr/> 1,155	<hr/> \$3,267 53
Pamphlets	15	\$4 72
Bound volumes purchased	764	
Volumes bound for the library	233	
Volumes presented to the library	158	
	<hr/> 1,155	

PRESENTATIONS.

	VOLS.
Dominion Government—Statutes, Sessional Papers, Journals, etc.....	29
Ontario Government—Statutes, Sessional Papers, Journals, etc.....	29
Quebec Government—Journals and Sessional Papers.....	13
Nova Scotia Government—Statutes, Journals, etc.....	6
Manitoba Government—Statutes, Sessional Papers, Journals, etc.....	3
British Columbia Government—Statutes, Sessional Papers, Journals, etc.....	7
Newfoundland Government—Statutes.....	1
Prince Edward Island Government—Statutes.....	1
Bequest of the late Rev. Dr. Scadding	41
Minister of Education—Doc. Hist. of Education, U.C. vol. 8	1
J. R. Cartwright, K.C.—Privy Council Arguments.....	3
Geological Survey—Annual Report, 1898, and General Index.....	2
New York Bar Association—Annual Report.....	1
New York State Library—Annual Report.....	1
Dept. of Justice, Washington—Catalogue of Foreign Books in Library.....	1
Massachusetts State Library—Catalogue of Foreign Laws in Library.....	1
Secy. of Commonwealth, Massachusetts—Acts, 1901	1
Supreme Court of Hawaii—Laws of Hawaii, 1901	1
U. S. Commissioner of Education—Annual Report.....	2
Law Association, Philadelphia—"John Marshall Day"	1
Vermont Legislature—Acts, 1901	1
J. G. Ridout, Esq.—Compulsory Working of Patented Inventions in Canada.....	1
University of Toronto—Examination Papers and Calendar.....	3
Toronto City Clerk—Minutes of Council.....	1
Incorporated Council of Law Reporting—Digest, 1891-1900.....	6
American State Reports—Table of Cases, vols. 1-72.....	1

LAW SOCIETY OF UPPER CANADA.

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Binding	352 85
Re-binding, Repairs, etc.....	195 88
Stationery and Sundries.....	238 26
Salaries	2,978 50
	<hr/>
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Accompanying this report are detailed statements of the expenditure for books and periodicals, and an estimate of the expenditure for the current year. In the latter is included the sum of \$1,200, which was added to the estimate of last year's expenditure to defray the cost of publication of an Author-Catalogue, but was not expended.

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General Literature.....	733 “
Miscellaneous (including bound periodicals)	2240 “
	<hr/> 12596 “

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Librarian.

EXPENDITURE, 1901.

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Books and Pamphlets	\$2,630 07	
Periodicals	362 65	
Stamping	44 30	
Freight, brokerage, etc.....	70 40	
		\$3,107 42
Binding		352 85
Re-binding, repairs, etc.....		195 98
Stationery and sundries		238 26
Salaries		2,978 50
		<u>\$6,872 91</u>

ESTIMATED EXPENDITURE, 1902.

Books, Periodicals, etc.

Books and Pamphlets.....	\$4,100 00	
Periodicals	500 00	
Stamping	75 00	
Freight, brokerage, etc.....	75 00	
		\$4,750 00
Binding		350 00
Re-binding, repairs, etc.....		200 00
Stationery and sundries.....		225 00
Salaries		2,975 00
		<u>\$8,500 00</u>
Cost of author section of new catalogue, not to exceed.....	\$1,200 00	

LIBRARY ACCESSIONS, 1901

	VOLS.	COST.
Texts—Canada	18	\$ 95 25
“ United Kingdom	87	367 11
“ United States	20	75 43
Reports—Canada	76	116 94
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“ Australasia	17	221 00
“ India	4	15 00
“ United States	271	828 06
Statutes—Canada	51	51 05
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	<u>1,155</u>	

PRESENTATIONS.

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Minister of Education—Doc. Hist. of Education, U.C. vol. 8	1
J. R. Cartwright, K.C.—Privy Council Arguments.....	3
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AGREEMENT

DATED 12TH APRIL, 1902,

37

WITH

THE CARSWELL COMPANY,
LIMITED,

TO

PRINT AND PUBLISH
THE CONSOLIDATED DIGEST.

MEMORANDUM OF AN AGREEMENT

made (in duplicate) the Twelfth day of April, A.D. 1902,

BETWEEN

THE CARSWELL COMPANY, LIMITED,

(hereinafter called the Company),

Of the First Part,

AND

THE LAW SOCIETY OF UPPER CANADA,

(hereinafter called the Law Society),

Of the Second Part.

WHEREAS the Law Society has compiled a digest of law cases decided in the Courts of the Province of Ontario and of certain cases decided in the Supreme Court of Canada and by the Judicial Committee of the Privy Council, up to the 1st day of January, 1901, and is desirous of having the same printed and published in a manner and style satisfactory to the Law Society and within a prescribed time.

AND WHEREAS the Company has offered to print and publish the said digest upon terms of which the Law Society has approved, and which it is desired to set forth.

NOW THEREFORE THIS AGREEMENT WITNESSETH that the Company and the Law Society have covenanted, promised and agreed to and with each other as follows:—

1. That the Company will, at the sole risk, costs, charges and expenses of the Company, print and publish for the Law Society in four volumes the digest of law cases decided in the Courts of the Province of Ontario and of certain cases decided in the Supreme Court of Canada and by the Judicial Committee of the Privy Council up to the 1st day of January, 1901, which has been compiled by the Law Society, together with titles and sub-titles and tables of cases in the said digest, and of cases affirmed, reversed, followed, overruled or judicially commented on or superseded by Statute or order, which titles and sub-titles

and tables have yet to be compiled, and that the said tables for said digest shall be printed according to the method adopted in the FIVE YEARS' ONTARIO DIGEST (1891-1895).

2. That the style of the printing of the said digest shall be similar to that of the FIVE YEARS' ONTARIO DIGEST (1891-1895), and that the paper shall be equal to that of the TEN YEARS' ONTARIO DIGEST (1880-1890).

3. That the printing and publication of the first volume of the said digest (to contain about 1,200 pages) shall be completed within eight months from the date of these presents, and that the first revised proof thereof, of a not less quantity than twenty pages, shall be furnished within three weeks from the date of these presents; that the printing and publication of the second volume of the said digest (to contain about 1,200 pages) shall be completed within thirteen months from the date of these presents; that the printing and publication of the third volume of the said digest (to contain about 1,200 pages) shall be completed within eighteen months from the date of these presents; that the printing and publication of the fourth and last volume of the said digest shall be completed within two years from the date of these presents, and that the edition of each volume shall consist of not less than 1,800 copies, nor more than 2,000 copies, provided that should the publication of the said fourth volume be delayed by reason of any delay in the furnishing of the titles and sub-titles and tables of cases mentioned in the paragraph of this agreement numbered 1, which titles and sub-titles and tables of cases are to be prepared by the Law Society, an extension of time shall be given to the Company equal to the delay occasioned by the Law Society.

4. That within one month after the printing and publication of the last volume of said digest the Company will furnish to the Law Society a statement in writing (verified by statutory declaration) shewing the exact number of copies of each volume or parts of a volume which the Company has printed, and the Company will afford to the Law Society all information that may reasonably be called for in relation thereto, and will produce the Company's books and papers and give to the Law Society, its solicitors or agents, free access to said books and papers to enable the Law Society to check over and verify said statement.

5. That the editorial work in connection with the printing and publication of the said digest shall be continued by the Law

Society, and that the necessary revision of printers' proofs after the proofs have been carefully corrected by the Company's employees and the type re-set shall be promptly made by the Law Society's Editor and his staff, at the expense of the Law Society so far as the remuneration of the Editor and his staff is concerned.

6. That the Company shall cause the type to be set by thoroughly qualified printers and shall have proofs carefully read and corrected and the type re-set and thereafter shall, at the Company's expense, from time to time with reasonable rapidity furnish to the said Editor and his staff such clear proofs for revision and such corrected revises (whether for further revision or for the preparation of the tables mentioned in the clause of this agreement numbered 1 or any of such tables) as may be called for by the said Editor and his staff and shall comply with and carry out the written directions and orders of the said Editor in regard to the making of changes in the phraseology or wording or arrangement of the material contained in said digest (including the addition of cross references to titles after revision in galley and the addition of any other new matter necessary to make said digest more comprehensive and useful for the period covered), or the division into volumes or any other matter relating to the satisfactory completion of the said digest, and shall afford to the said Editor and his staff all facilities necessary for the convenient, rapid and proper editing of the said digest.

7. That the person to have authority in the premises as the Law Society's Editor shall be the present Editor of the Law Reports or such other person as the Law Society may hereafter at any time or from time to time see fit to appoint.

8. That if at any time the style of printing of the said digest or the type or the paper used, or the correctness of the proofs furnished, is not, in the opinion of the said Editor, up to the standard hereinbefore provided for and the parties hereto cannot agree, the questions in dispute shall be referred for decision to Atwell Fleming, Secretary of the Master Printers' Association, or, in the event of his death or refusal to act, to such other independent printing expert as may be named by the Law Society, and the decision of said referee shall be binding on both parties, and be in every respect observed and complied with by the Company.

9. That the manuscript or compiled material of said digest shall be furnished to the Company from time to time in such quantities at a time as the said Editor may think fit (save only

that while the Company is not in default and so long as sufficient of the existing manuscript of the compilation remains to be printed, the Company shall be supplied with copy so that it may have on hand at all times fifty pages of manuscript in advance of what may be in type), and shall continue to be the property of the Law Society, notwithstanding that it or some part of it is from time to time entrusted to the Company for the purpose of being printed, and shall be used by the Company solely for the purpose of carrying out this agreement, and shall be returned to the said Editor from time to time when and as type has been set.

10. That all type set up and forms of type and stereotypes and, forthwith upon any printing being done thereon, every sheet of paper on which any portion of the said digest shall be printed shall become and thereafter continue to be the property of the Law Society until payment in full to the Law Society by the Company of the moneys hereinafter mentioned or until after being actually incorporated into a completed portion of the entire work it is released to the Company under the other provisions of this agreement.

11. That as soon as any portion of the said digest is completed and ready to be published the Company shall, before the publication thereof cause the same to be duly copyrighted in the name and for the benefit of the Law Society in pursuance of the Statutes in that behalf, at the costs, charges and expenses of the Law Society save that the volumes to be deposited under The Copyright Act and amendments thereto shall be supplied by the Company free of cost to the Law Society.

12. That after the copies required for the purpose of securing copyright have been used for that purpose, the next seventy-two copies bound in half law calf in every respect equal to the binding of the TEN YEARS' ONTARIO DIGEST (1880-1890) shall be delivered by the Company to the Law Society or distributed by the Company for the Law Society as the Law Society may direct, free of cost to the Law Society except the cost of transportation of such copies as are not to be delivered in Toronto.

13. That the Company will sell to each member of the Law Society of Upper Canada one copy of the complete digest, each volume bound in half law calf in every respect equal to the binding of the TEN YEARS' ONTARIO DIGEST (1880-1890), upon the following terms:—

(a) At a sum not exceeding \$32 for the the complete digest bound as aforesaid, provided \$16 be paid upon delivery of the first volume, bound as aforesaid, and the remaining \$16 upon delivery of the second and third volumes, bound as aforesaid, and provided further that the member desiring to obtain said digest at said price makes his agreement to purchase (after being afforded by the Company a reasonable opportunity so to do) before the completion of the fourth and final volume.

(b) At a sum not exceeding \$36 if the purchase is not made under clause 13 (a) but is made within one year after the publication of the whole digest, or within one year after the date of the admission to practice of the member making the purchase.

(c) At a sum not exceeding \$40 under other circumstances.

(d) The Company shall not be required to sell more than one copy on the above terms to any member of the Law Society.

14. That, save as aforesaid, the Company shall be at liberty to sell the said digest at whatever price it may see fit.

15. That to members of the Law Society of Upper Canada who desire to purchase said digest the Company shall deliver (at such place as each member may designate) one copy of the volumes as soon as they are published and next after three copies shall have been used for copyrighting and the Law Society's remaining seventy-two copies shall have been delivered.

16. That the contents of the said digest shall be published in consecutive order and that no part shall be issued containing later contents until all prior contents shall have been completed and published.

17. That the Company shall have the exclusive right to publish and sell the said digest and all volumes thereof for the period of twenty years from the 1st day of January, A.D. 1903, unless 2,000 copies of the said digest or of any volume thereof shall have been sooner sold or disposed of. When 2,000 copies of any volume shall have been sold or disposed of within said period of twenty years the right of the Company to print, publish or sell the said volume shall forthwith cease and determine, notwithstanding that as to some other volume or volumes of said digest the exclusive right may not have come to an end. It is understood and agreed that the Law Society does not warrant or guarantee said right or copyright of the said work and does not undertake to defend or support the validity thereof, but the Company shall have the right at its own costs, charges and expenses, and upon furnishing a proper indemnity to the

satisfaction of the Law Society, to proceed against any person or company for the infringement of the said copyright at any time during the existence of the said exclusive right of the Company.

18. That upon the expiration of said period of twenty years, or upon 2,000 copies of the said edition being sold or disposed of within that period, whichever event shall first happen, or upon the Company failing in any way to carry out this agreement, the right of the Company shall forthwith cease and determine, and the Company shall not be at liberty thereafter to publish or sell any further copies of the said digest, or of any volumes or of any parts thereof, except that if 1,800 copies of any volume have not been sold within said period of twenty years a number sufficient to make 1,800 of such volume may thereafter be sold by the Company if in all respects this agreement has been carried out by the Company.

19. That if, at the expiration of said period of twenty years, there be in the Company's possession any completed digests or volumes or parts of volumes additional to said 1,800 copies, all such additional completed digests or volumes or parts of volumes so remaining in the Company's possession shall at the expiration of said period become the property of the Law Society and be forthwith handed over by the Company to the Law Society, and the Law Society shall have the right to enter by its servants or agents upon the premises occupied by the Company and to take possession of said additional volumes or parts of volumes, using force if necessary so to do.

20. That the Company shall cause to be delivered to the Law Society and to members of the Law Society of Upper Canada who purchase said digest, the several volumes (bound as hereinbefore stipulated) at any address within the limits of the City of Toronto, free of all charges and expenses for delivery, but the Company shall be entitled to charge and receive in addition to the price above mentioned, for the delivery to members of the Law Society of Upper Canada at addresses outside the City of Toronto, the actual cost of delivery, whether for postage, expressage or other means of delivery, the Company undertaking to make delivery in the least expensive way.

21. That the Company shall pay to the Law Society for the use of printers' copy of said digest and for the right to print and publish the said digest on the conditions herein set forth, the sum of \$18,000 as hereinafter provided.

22. That contemporaneously with the execution of these presents the Company shall pay to the Law Society on account of said purchase money the sum of \$5,000.

23. That forthwith after the first volume of the said digest shall have been published the Company shall pay to the Law Society on account of said purchase money the further sum of \$5,000.

24. That forthwith after the third volume of the said digest shall have been published the Company shall pay to the Law Society the balance of said purchase money, to wit, the sum of \$8,000.

25. That if the Company has paid to the Law Society \$10,000 and has printed and published within eight months from the date of these presents 1,800 copies of the first volume of the said digest and has otherwise complied with the conditions of this agreement, the Law Society shall release to the Company 900 of said completed copies of the first volume of the said digest.

26. That if the Company has paid to the Law Society \$10,000, and has printed and published within thirteen months from the date of these presents 1,800 copies of the first and second volumes of the said digest and has otherwise complied with the conditions of this agreement, the Law Society shall release to the Company 900 of said completed copies of the second volume of the said digest.

27. That in the event of the Company failing to complete the printing and publication of any of the volumes within the several times hereinbefore limited, or in the event of the Company becoming insolvent or ceasing to carry on business or making an assignment for the general benefit of its creditors or being wound up, the Company's rights under this agreement shall be forthwith forfeited and the Law Society shall be at liberty to forthwith recover possession of all manuscript and original material and of all type set up and forms of type and stereotypes and of all the printers' proofs, printed sheets and parts or volumes of the said digest (whether completed or otherwise) except volumes released under sections 25 and 26, which shall, up to the time of such default or the happening of such event, have been used, set up, made, printed or published, and shall have the right to enter by its servants or agents upon the premises occupied by the Company and to take possession of said manuscript and original material, type, forms of type, stereotypes, printers' proofs, printed sheets and parts or volumes

of the said digest, using force if necessary so to do, and shall also be at liberty to retain for its own use all moneys which prior to such default or the happening of such event may have been paid to the Law Society and that the Company shall not be entitled to any allowance whatsoever for work done upon or material supplied for or in respect of the printing, publication, binding or delivery of the said digest or of any part or volume thereof prior to the time of the aforesaid default or the happening of any of the events aforesaid, provided that if any Assignee or Liquidator of the Company, being financially satisfactory to the Law Society, shall prior to the taking possession by the Law Society as aforesaid or within one week thereafter offer in writing to enter into a binding agreement to perform the conditions of this contract and shall upon request execute a formal agreement for that purpose and shall within the same limit of time after acceptance of such offer furnish to the Law Society if required a sufficient guarantee by a person or corporation satisfactory to the Law Society for the performance thereof, and shall within the same limit of time after such acceptance provide that the mechanical portion of the work shall be performed by some competent person or company approved by the Law Society in its uncontrollable discretion, then the Law Society will agree to such Assignee or Liquidator being substituted for the Company as parties hereto.

28. That time shall in all respects be of the essence of this agreement.

IN WITNESS WHEREOF the parties hereto have caused their Corporate Seals to be hereunto affixed.

Signed, Sealed and Delivered
in the presence of

(Sgd.) C. R. BROWN.

(Sgd.) ARTHUR POOLE,
Vice-President.

{ Seal of
The Carsw.
Company
Limited.

(Sgd.) CHAS. BROWN,
Sec'y-Treasurer.

(Sgd.) HERBERT MACBETH,
Secretary.

(Sgd.) AEMILIUS IRVING,
Treasurer,

Law Society of Upper Canada.

{ Seal of
The
Law Society
Upper
Canada

(Sgd.) HERBERT MACBETH,
Secretary.

LAW SOCIETY OF UPPER CANADA.

EASTER TERM.

Thursday, May 22nd, 1902.

Present:—The Treasurer and Messrs. Barwick, Bayly, Bruce, Clarke, Gibbons, Glen, Guthrie, Hogg, Idington, Kerr, McKay and Strathy.

The Treasurer stated that in pursuance of rule passed on 22nd May, 1900, by virtue of the Statute, 63 Vict., cap. 20, the election of Treasurer and Standing Committees is to take place at the first meeting of Convocation in Easter Term.

On motion of Mr. Bruce, seconded by Mr. Hogg, Mr. Irving was elected Treasurer for the ensuing year.

The following gentlemen were appointed a Special Committee to strike the Standing Committees for the ensuing year:—Messrs. Bruce, Clarke, Glenn, Hogg, Idington, Kerr and Mackay. Mr. Bruce, on behalf of the Special Committee, reported a list of members to compose such Standing Committees. The report was adopted.

The list as the same stands after the election of chairmen and the appointment of Mr. Matthew Wilson to the vacancy caused by the death of Mr. Douglas, is as follows:—

FINANCE.—Messrs. G. H. Watson, *Chairman*; A. B. Aylesworth, Walter Barwick, A. H. Clarke, G. C. Gibbons, John Hoskin, E. Martin, W. D. McPherson, W. R. Riddell, C. H. Ritchie, G. F. Shepley, H. H. Strathy, R. T. Walkem, W. R. White.

REPORTING.—Messrs. C. H. Ritchie, *Chairman*; Walter Barwick, J. J. Foy, D. Guthrie, W. D. Hogg, J. Idington, Z. A. Lash, G. Lynch-Staunton, S. G. McKay, W. D. McPherson, W. Proudfoot, G. F. Shepley, J. V. Teetzel, R. T. Walkem.

LIBRARY.—Messrs. A. B. Aylesworth, *Chairman*; S. H. Blake, J. M. Glenn, J. Idington, G. Lynch-Staunton, W. Proudfoot, W. R. Riddell, C. H. Ritchie, C. Robinson, G. F. Shepley, G. H. Watson, M. Wilson.

LEGAL EDUCATION.—Z. A. Lash, *Chairman*; Walter Barwick, R. Bayly, J. M. Glenn, D. Guthrie, G. Lynch-Staunton, E. Martin, W. Proudfoot, W. R. Riddell, C. H. Ritchie, C. Robinson, H. H. Strathy, J. V. Teetzel, G. H. Watson.

DISCIPLINE.—John Hoskin, *Chairman*; Walter Barwick, R. Bayly, A. Bruce, J. J. Foy, W. D. Hogg, W. Kerr, S. G. McKay, D. B. MacLennan, W. D. McPherson, C. Robinson, H. H. Strathy, G. H. Watson, W. R. White.

JOURNALS AND PRINTING.—Messrs. A. Bruce, *Chairman*; A. B. Aylesworth, R. Bayly, F. H. Chrysler, A. H. Clarke, J. J. Foy, G. C. Gibbons, J. M. Glenn, W. Kerr, D. B. MacLennan, J. V. Teetzel, W. R. White.

COUNTY LIBRARIES.—Messrs. E. Martin, *Chairman*; A. Bruce, F. H. Chrysler, G. C. Gibbons, D. Guthrie, J. Idington, W. Kerr, S. G. McKay, W. D. McPherson, H. H. Strathy, R. T. Walkem, M. Wilson.

Mr. W. H. Cross was appointed auditor for the current year, ending first day of Easter Term, 1903.

The Treasurer announced that William Douglas, a member of Convocation, died on the 28th day of March, 1902, at his residence at Chatham.

Convocation ordered that a minute be made recording the sincere and deep regret with which Convocation learned of the death of the late William Douglas.

He was called to the Bar in Trinity Term, 1861, and was elected a member of Convocation at the general election of Benchers held before Easter Term, 1891, was re-elected a Bencher at the general election of Benchers held before Easter Term, 1896, and again re-elected at the general election of Benchers before Easter Term, 1901.

On 23rd October, 1885, the Honourable the Deputy Governor-General of Canada in Council appointed among others William Douglas, Esquire, barrister-at-law, Chatham, to be one of Her Majesty's Counsel learned in the law.

This minute is made accordingly.

Convocation then ordered that a call of the Bench be made for Tuesday, the 24th day of June next, for the election of a Bencher to fill the vacancy caused by the death of the late William Douglas.

Ordered that the usual advertisement for applicants for the office of Lecturers be published, and that a call of the Bench be issued for Tuesday, the 24th day of June, upon which day the appointments will be made.

The letter of Mr. R. A. Bradley, of the 24th April, 1902, on the subject of a weekly digest of cases, was referred to the Reporting Committee for consideration and report.

The letter of the Kent Law Association, recommending Mr. Matthew Wilson as Bencher to fill the vacancy caused by the death of Mr. Douglas, was read, same having been already acknowledged.

The letter of Mr. W. C. Mikel, of the 29th March, 1902, forwarding resolutions passed at a meeting of the County Library Associations and representatives of counties not having associations (first), as to the publication of a work on practice, and (secondly), as to the system pursued in the election of Benchers, was read.

Ordered that the resolution as to a work on practice be referred to the Reporting Committee for consideration and report, and that as provision is made by law for the election of Benchers, Convocation does not deem it within its powers to take the action suggested.

The complaint of Mr. Birnie, K.C., bringing before Convocation the conduct of certain solicitors practising in Collingwood, in that they had made endeavours to supplant him in the office of Solicitor to the town of Collingwood, held by him, was read.

Ordered that the Secretary do inform the complainant that in the opinion of Convocation the complaint does not disclose such matters as come within the purview of the statute.

Ordered, upon a report from the Legal Committee, that Mr. T. H. Barton, who passed the final examination in Easter, 1901, be called to the Bar, and do receive his certificate of fitness. That Messrs. N. G. Guthrie, F. W. Halliday, R. J. Stewart, A. W. Hunter and R. H. Paterson be allowed their service. That Mr. E. A. Cleary be allowed his service, and that he be allowed to come up for call on the 24th June. That the notice for call given by Mr. E. T. Bishop be allowed as sufficient. That the petition of Mr. W. E. Seaborn be not granted. That Mr. H. W. McLean be required to attend the lectures for an additional term of two weeks. That Mr. A. J. McComber, who has been permitted by special order of Convocation to enter himself on the books of the Society, and after attending the Third Year's lectures and passing the final examination, to apply for a certificate of fitness, do receive his certificate of fitness and be also, in compliance with a special petition presented by him, called to the Bar. That the following gentlemen be called to the Bar and do receive their certificates of fitness:—F. W. Halliday (with honours and gold medal), N. G. Guthrie (with honours and silver medal), J. Bradford (with honours), J. R. Meredith, C. F. Newell, E. N. Armour, M. C. Cameron, J. T. Richardson, G. H. Smythe, R. D. Moorhead, C. K. Graham, A. J. Langlois, E. T. Bishop, C. L. Durie, R. J. Stewart, D. McKechnie, and N. G. Larmonth. Ordered further on the recommendation of the Committee that the Law School Term do commence on the last Monday of September in future. Upon the recommendation of the Legal Education Committee, made in respect of suggestions made in a special report of the Principal forwarding the report of the librarians of the Phillips Stewart Library for Students, ordered that six copies of the latest editions of the text books therein mentioned, 12 copies of the Criminal Code, six copies of Kenny's cases on Criminal Law, and six copies of Holmstead and Langton's Judicature Act, and a set of the "Ruling Cases" be purchased for the Library. That text books no longer on the course be given to such County Libraries as the Chairman of the Legal Education Committee, after conference with the Chairman of the County Libraries Committee, may decide.

The report of the Principal of the Law School for the session of 1901-1902 was read. (This report has been printed and circulated to the profession.) The report of the Legal Education Committee making certain recommendations thereon was also read and ordered to be taken into consideration on the 24th of June, to be in the meantime printed and distributed to the members of Convocation.

Ordered, upon a report of the Committee on Journals and Printing, that the said Committee be authorized to complete the revision of the Rules of the Society, with the amendments indicated on the print thereof, subject only to any further changes which may be made by Convocation before the printing is completed.

The following gentlemen were then called to the Bar:—F. W. Halliday (with honours and gold medal), N. G. Guthrie (with honours and silver

medal), J. Bradford (with honours), also T. H. Barton, J. R. Meredith, C. F. Newell, E. N. Armour, M. C. Cameron, J. T. Richardson, A. J. Langlois, R. D. Moorhead, R. J. Stewart, E. T. Bishop, C. L. Durie and N. G. Larmonth.

Mr. Idington, from the Special Committee appointed on the 14th day of February, 1902, to close the agreement for the purchase and publication of the Consolidated Digest by the Carswell Company, Limited, reported as follows:—The Committee have much pleasure in reporting herewith the conclusion of their labours in the agreement of which a copy has been printed and issued with the Ontario Law Reports and is also herewith annexed.

The report was read and adopted, and Convocation in relieving the Committee from further duty recorded their full appreciation of the satisfactory results brought about by the Committee, and conveyed to them their thanks.

Friday, May 23rd, 1902.

Present:—The Treasurer and Messrs. Bayly, Glenn, Lynch-Staunton, Martin, McKay and Strathy.

Ordered upon a report of the Legal Education Committee that Convocation cannot take any action at present upon the case of Mr. J. Bogert Bartram.

Ordered that the report of the Journals Committee be taken into consideration on the 6th day of June. The letter of Mr. D. L. McCarthy, President of the Osgoode Legal and Literary Society, dated 21st May, 1902, was read, and the Secretary was directed to request Mr. McCarthy to furnish a copy of the report and financial statement of the Literary Society, showing the deficit referred to, and a similar report for the year succeeding.

Mr. Lynch-Staunton gave notice that he would at the next meeting of Convocation move that it be a direction to the Reporting Committee that after this year, the reporting of the decisions of the various courts of Ontario be limited to the reporting of one judgment in each case.

Friday, June 6th, 1902.

Present:—The Treasurer and Messrs. Aylesworth, Barwick, Bayly, Ritchie, Robinson and Shepley.

Ordered upon a report of the Legal Education Committee that the following gentlemen be allowed their second year examination:—Messrs. J. G. Gibson, W. R. Meredith, Jr., R. A. Patterson, J. H. Publow, A. J. Thomson, R. V. LeSueur, D. J. Thom, H. A. Rose, G. B. Strathy, E. S. Fraser, E. P. Flintoft, P. A. Greig, G. A. McGaughy, J. M. Jamieson, C. V. Lindsay, J. C. Payne, R. H. McKay, F. Morison, R. D. Hume, A. S. Bond, A. C. Hill, F. E. Brown, H. F. Gooderham, H. D. Graham, R. S. Waldie, H. P. Hill, F. Symington, H. M. Sinclair, R. E. Meighen, H. C. Gilleland, H. R. Frost, L. R. Knight, H. S. Hewitt, R. A. Carman, A. S. Williams, S. J. Whittaker, W. E. Smith, E. Proulx, and C. E. T. Fitzgerald. That Mr. W. T. Detlor, who has passed upon certain subjects in which he failed in 1901, be also allowed his second year examination.

(The report upon honours of the second year appears in the proceedings of 24th June.)

Ordered that the following gentlemen be allowed their first year examination:—D. A. McDonald, W. M. Martin, J. R. Green, A. F. Aylesworth, J. M. Ferguson, J. T. Mulcahy, F. M. Burbidge, G. M. Clark, F. R. MacKelcan, E. J. Stewart, A. D. George and B. D. Kerr (equal), F. D. Hogg, W. Johnston, E. P. Brown, W. H. Price, J. E. Robertson, E. F. Gibson and J. B. Coyne (equal), S. Lane, N. Heyd and C. V. Bennett (equal), F. Babe (all with honours); also J. A. Horning, R. D. Schooley, G. B. McConachie, A. A. Ballachey, M. G. Hunt, H. F. Williams, J. M. Crerar, D. G. M. Galbraith, H. B. Johnson, C. Garvey, E. E. Wallace, H. W. Page, A. A. Winter, G. P. Hood, W. G. Mahaffy, H. L. Lazier, J. H. Hancock, D. R. Byers, J. E. Swinburne, A. W. Greene, J. A. Donald, H. M. P. Deroche, and N. McColl. That Mr. McDonald do receive a scholarship of \$100, Mr. Martin one of \$60, and Messrs. Green, Aylesworth, Ferguson, Mulcahy and Burbidge each one of \$40. That the following gentlemen be called to the Bar and do receive their certificates of fitness:—Messrs. W. Watkins, W. A. Sadler, A. W. Hunter, A. J. Poynter, and R. H. Paterson. That Mr. J. F. L. Embury's admission be reckoned as of Easter Term, 1897, and that he be called and do receive his certificate of fitness.

Mr. Ritchie from the Reporting Committee presented the quarterly report of the editor on the state of reporting, as follows:—The work of reporting is in a forward state. Mr. Harman has 14 cases unreported, seven of April and seven of May. Mr. Rolph has four, three of April and one of May. Mr. Lefroy has four, one of March, two of April and one of May. Mr. Boomer has ten, seven of April and three of May. Mr. Brown has four, one of April and three of May. Mr. Cassels has eleven, one of March, nine of April and one of May.

Mr. Ritchie from the same committee reported in respect to the reference to that Committee of the resolution passed at a meeting of delegates from County Law Associations and representatives of counties not having associations, namely, "That the Law Society be requested to consider the question of publishing a work on practice at such times as circumstances may require to be issued to members of the profession in Ontario at actual cost." The Committee find that the subject of publishing a work on practice was considered at a meeting of Convocation on 8th December, 1899, when it was decided that it would be unwise for the Society to undertake the publication of such work, and the Committee consider that the circumstances have not altered in the interval, and cannot recommend that the Society should undertake the publication. The report was adopted. Mr. Ritchie from the same committee further reported upon the reference by Convocation to the Committee of the letter of the 24th April from Mr. R. A. Bradley upon the subject of a weekly digest, that the suggestion involves an increase of \$1 or \$2 to the annual fees, and the Committee feel that the profession would not approve of such increase; that the field is now well covered, *The Canadian Law Times* and *Canada Law Journal* publish semi-monthly reports of Canadian cases, and the *Law Journal* also publishes semi-monthly notes of the current leading English decisions, *The Weekly Reporter* publishes weekly notes of all of the Ontario decisions, *The Canadian Law Times* publishes at the end of each year a carefully prepared digest of all the Canadian cases, besides which there is the Annual Digest

of Canadian Cases, published by Messrs. Masters and Morse; that, under the circumstances, the Committee does not feel that it would be justified in recommending that the Society should undertake the publication of a weekly digest, and thus increase the annual fees payable by the members of the profession generally. The report was adopted.

The consideration of the report of the Committee on Journals and Printing was deferred until next meeting.

Mr. Lynch-Staunton's motion with respect to the reporting of judgments was deferred until next meeting.

Mr. Duncan Donald was appointed inspector of County Libraries for the ensuing year, at a salary of \$200, including his expenses.

The letter of Mr. C. P. Sparling, asking for relief from liability under the judgment recovered by the Law Society, in the action against the late firm of Rowsell & Hutchison, of which he had been a member, was referred to the Finance Committee.

Ordered that Mr. John King, K.C., be granted the leave asked for in his letter of the 1st May to make use of the Law Society's series of Law Reports in the preparation of a text book by him.

The complaint of Mrs. M. A. Tift against Mr. A. B. was referred to the Discipline Committee.

The following gentlemen were then called to the Bar:—Messrs. J. F. L. Embury, W. Watkins, G. H. Smythe, W. A. Sadler, A. W. Hunter, A. J. Poynter, R. H. Paterson, C. K. Graham and D. McKechnie.

Tuesday, June 24th, 1902.

Present:—The Treasurer and Messrs. Barwick, Bayly, Bruce, Foy, Gibbons, Glenn, Guthrie, Hoskin, Idington, Lash, Lynch-Staunton, McPherson, Ritchie, Shepley, Strathy and Watson.

Ordered upon a report of the Legal Education Committee that Mr. J. H. Fisher be called to the Bar with honours, and do receive his certificate of fitness; that Messrs. E. A. Cleary and G. W. Hastings be called to the Bar and do receive their certificates of fitness. That Mr. S. A. Dickson's petition be refused. That Mr. H. W. McLean, who has now furnished satisfactory explanations as to his non-attendance on lectures be allowed his attendance and examination of the third year. That with respect to the second year examination the following gentlemen be allowed their examination with honours:—Messrs. J. G. Gibson, R. A. Paterson, A. J. Thomson, W. R. Meredith, Jr., R. V. LeSueur, D. J. Thom, J. H. Publow, H. A. Rose, G. B. Strathy, E. S. Fraser, P. A. Greig, G. B. McGaughey, J. M. Jamieson, E. P. Flintoft, C. V. Lindsay, J. C. Payne. That Mr. Gibson do receive a scholarship of one hundred dollars, Mr. Paterson one of sixty dollars, and Messrs. Thomson, Meredith, LeSueur, Thom and Publow each one of forty dollars.

Mr. Matthew Wilson was elected a Bencher in the room of the late William Douglas, deceased, and was elected a member of the Committees of which Mr. Douglas had been a member, namely, the Library Committee and the County Libraries Committee,

Messrs. E. Douglas Armour, A. H. Marsh, John King and McGregor Young were appointed lecturers in the Law School.

Mr. Lash was elected representative of the Law Society on the Senate of the University of Toronto for the ensuing year.

Convocation then entered upon consideration of the report of the Committee on Journals and Printing, as follows:—That they have had under consideration Mr. Guthrie's motion recorded in the minutes of February 7th, 1902, and Mr. Walkem's letter referred to in the minutes of 14th February, 1902, and after hearing the views of various Benchers not members of the Committee on the subject, the Committee recommend (a) that the days of meeting of Convocation continue as at present, (b) that the hour of meeting be eleven o'clock on all days, (c) that the reports of the Legal Education Committee as to the admission of students, the examination of students, calls to the Bar, and admission of solicitors and the business consequent thereupon should be dealt with on the second day of meeting rather than on the first day. That a rule to give effect to this recommendation be introduced. Ordered that clause (c) be struck out, and the report as so amended was adopted.

Ordered upon motion of Mr. Lynch-Staunton that it be referred to the Reporting Committee to consider and report upon the following:—That from and after this year the reports of cases in the official reports shall be confined to a statement of the argument of counsel and of one judgment with, when there is more than one opinion, a synopsis (where the editor considers it proper) of the other judgments given in the cases.

Convocation considered the report of the Legal Education Committee appointed to be taken into consideration to-day, and the same, after amendment, was adopted, as follows:—

Rule 40 is hereby repealed and the following is substituted therefor:—

40. Subject to the proviso to this rule, no Examiner shall, unless the pleasure of Convocation be earlier determined, hold office for more than four years from appointment, and no Examiner shall be eligible for re-appointment until the expiration of four years from the date he ceased to be Examiner.

Provided that Examiners whose terms of office expire during Trinity Term, 1902, may be then re-appointed, and in case the pleasure of Convocation be not earlier determined the Examiners appointed during said Term shall retire as follows:—If there be three re-appointed, such three shall respectively retire at the end of the first, second and third years respectively from appointment, and the remaining Examiner shall retire at the end of the fourth year from appointment. If only two be re-appointed, such two shall respectively retire at the end of the second and third years respectively from appointment, and the remaining Examiners shall respectively retire at the end of the fourth and fifth years respectively from appointment. If only one be re-appointed, he shall retire at the end of the third year from appointment, and the remaining Examiners shall respectively retire at the end of the fourth, fifth and sixth years respectively from appointment. If none of the said Examiners be re-appointed, then the four Examiners appointed shall respectively retire at the end of the third,

fourth, fifth and sixth years respectively from appointment. The senior Examiner shall from time to time be named by Convocation.

The Examiners to retire shall in each case be determined by Convocation.

On the question of the proposed repeal of Rule 46 (That no person who is a member of a firm of which one or more of the members are Benchers shall be eligible to hold any office in the gift of the Society) Convocation decided in the negative.

The new Rule was introduced and read a first and a second time, and by unanimous consent was read a third time and passed.

The following members of the Law Society were then introduced and called to the Bar:—Miss Eva M. Powley (who had been ordered for call Easter, 1901), Messrs. J. H. Fisher (with honours), A. J. McComber, E. A. Cleary and G. W. Hastings.

The letter of Mr. D. L. McCarthy, President of the Osgoode Legal and Literary Society, forwarding financial statements of that Society, was referred to the Finance Committee for examination and report.

Mr. McPherson from the Special Committee appointed in Easter Term, 1901, in relation to conveyancing by others than solicitors, reported the proceedings of the Committee and recommended that Mr. W. R. P. Parker, who has acted as secretary to the Committee, be paid the sum of one hundred dollars for his services.

The report was ordered for consideration on the first day of next Term, and it was also ordered that Mr. Parker be paid the sum of one hundred dollars as recommended.

Convocation then rose.

LAW SOCIETY OF UPPER CANADA.

TRINITY TERM, 1902.

Thursday, 11th Sept., 1902.

Present:—The Treasurer and Messrs. Barwick, Chrysler, Clarke, Gibbons, Glenn, Guthrie, Hogg, Hoskin, Idington, Kerr, McKay, McPherson, Riddell, Ritchie, Strathy, Teetzel and White.

Ordered, upon a report from the Discipline Committee, that the complaints of Mrs. Tefft and Mr. C. Blonde against Mr. A. B., a solicitor, be referred to the said Committee for investigation.

Ordered that a special call of the Bench be made for the first day of meeting of Michaelmas Term next (Thursday, 20th November) to consider making appointments of examiners in pursuance of rule 40, passed on 24th June, 1902. 39

Ordered that the applications be referred to the Legal Education Committee for report to Convocation as soon as convenient, and if not before 19th September, at least one month before the first day of next term, on the standing and qualifications under existing rules of the applicants, and that a copy of the draft of such report be sent to every member of Convocation so soon as the same has been made by the Committee, and that the report be accompanied by a copy of rule 40, and that the career and standing of the candidates be sent at the same time to every member of Convocation.

Pursuant to the order of Convocation of 24th June, 1902, Convocation entered upon consideration of the report of the Special Committee appointed in relation to conveyancing by persons who are not members of the profession. The report was adopted.

The letter of Mr. Matthew Wilson, acknowledging his election as a Benchier, and expressing his appreciation thereof, was read.

Friday, September 12th.

Present:—The Treasurer and Messrs. Aylesworth, Hogg, Lash, McPherson and Wilson.

Ordered, upon a report of the Legal Education Committee, that the case of Mr. Auguste Lemieux, who had been called to the Bar of this Province on his standing as an advocate of the Bar of the Province of Quebec, and now applies for a certificate of fitness as a solicitor under R.S.O. 1897, chap. 174, sec. 8, be referred to the Legal Education Committee for similar action to that taken in the case of Mr. Napoleon Champagne in Trinity Term, 1901, namely, with power to require the Senior Examiner to have ten questions prepared on the subjects on which under Rule 171 the candidate should be examined. In the case of Messrs. C. R. Deacon, A. E. Bowles, W. G. R. Bartram, W. E. Payne and A. E. Millican that the service be in each case allowed, and each do receive his certificate of fitness (subject in the case of Mr. Bartram to the examinations being passed). and in the cases of Messrs. W. A. Nisbet, A. H. Armstrong, W. F.

Dunn and W. E. Seaborn that they do receive their certificates of fitness on proof of service up to the days respectively of the expiration of their terms of service. In the case of Mr. J. Bogert Bartraiu, who has been on service with the South African Constabulary, that he be allowed his first year examination. In the case of Mr. H. W. McLean that his service be allowed. That the following gentlemen be called to the Bar:—Messrs. W. McMaster and N. Sommerville (with honours), and Messrs. A. Macdonald, C. A. R. Dulmage, W. E. Seaborn, H. W. McLean, A. E. Millican, J. H. Couch, L. Kinnear, W. E. Payne, A. E. Bowles, F. A. Clement, C. H. Dunbar, C. R. Deacon, D. G. White. That the following gentlemen do receive their certificates of fitness:—Those before named, with the exception of Mr. Seaborn, whose time has not expired, and with the addition of Mr. R. H. Knox. That Mr. Knox be called to the Bar on the 19th of September, on condition of his notice for call, which is late, remaining posted until that date and no objection being received.

Ordered that the communication of the American Law Book Company of 3rd September, 1902, be considered on Tuesday, 20th November next.

The following gentlemen were then called to the Bar:—Messrs. W. McMaster and N. Sommerville (with honours), and Messrs. A. Macdonald C. A. R. Dulmage, W. E. Seaborn, A. E. Millican, J. H. Couch, L. Kinnear, W. E. Payne, A. E. Bowles, F. A. Clement, C. H. Dunbar and D. G. White.

Friday, September 19th.

Present:—The Treasurer and Messrs. Barwick, Bayly, Bruce, Foy, Iash, Lynch-Staunton, McPherson, Ritchie, Shepley, Teetzel, Watson and Wilson.

Ordered, upon a report of the Legal Education Committee, that the following gentlemen be called to the Bar:—Messrs. G. E. Taylor, F. L. Button and W. F. Dunn (with honours), and Messrs. A. H. Armstrong, W. A. Nisbet, W. Forbes, S. A. Dickson, R. H. Parmenter and R. H. Knox, and that Messrs. Taylor, Button, Forbes, Dickson and Parmenter do receive their certificates of fitness as solicitors.

Ordered that Mr. W. G. R. Bartram, who has passed the supplemental examination, be called to the Bar and receive his certificate of fitness. That the following gentlemen who have passed the supplemental examination of the first year be allowed same:—W. J. Hanley and P. A. Gahan.

The Legal Education Committee reported upon the case of Mr. Auguste Lemieux that, as ordered by Convocation, the Senior Examiner had been directed to have ten questions prepared on the subjects on which under Rule 171 the candidate should be examined, that these questions (submitted herewith) had been put to Mr. Lemieux by the Chairman and Mr. Barwick, K.C., but were not satisfactorily answered, and the Committee were unable to recommend that Mr. Lemieux be admitted as a solicitor. The report was adopted.

Mr. Watson, from the Finance Committee, presented the following report:—The Committee has taken into consideration the communication, statements and application of the Osgoode Legal and Literary Society for financial aid, as directed by Convocation, and the Committee is of the opinion that the funds of the Law Society cannot legitimately or properly be applied for the purpose as requested.—Adopted.

Mr. Ritchie, from the Reporting Committee, presented the following report:—That the Committee has considered the following proposed resolu-

tion referred to it by Convocation on the 24th of June last: "That from "and after this year the reports of cases in the official reports shall be confined to a statement of the argument of counsel and of one judgment, "with, when there is more than one opinion, a synopsis where the editor "considers it proper of the other judgments given in the cases," and begs to report that in the opinion of your Committee it would be undesirable to adopt same. The report was taken into consideration and adopted.

Mr. Watson, from the Finance Committee, presented the following report:—That the Committee has, as directed, taken into consideration the application of Mr. Charles P. Sparling for release from liability under the judgment obtained by the Law Society against Rowsell & Hutchison, of which firm Mr. Sparling was a member. The Committee is of opinion that further consideration of the application and action thereon should be deferred until it is made known by Mr. Sparling whether or not he can obtain releases from his other creditors.—Adopted.

Mr. Watson, from the same Committee, reported:—That the Committee have been able, through the Honourable the Commissioner of Public Works and the Government of the Province, to arrange for more ample and more convenient wardrobe accommodation for members of the profession at Osgoode Hall. The old Chancery Court room in the west wing has now been appropriated for the time to the use indicated, and wardrobes have been placed in it, with locks and keys. The total number of wardrobes is 224, numbered consecutively. A number of the lockers will be left unappropriated, so that members coming in, not having a separate locker, may obtain the accommodation required. The expense of fitting up the court room and wardrobes has been assumed by the Government. The report was taken into consideration and adopted.

The Treasurer referred to the minutes of Convocation of the 7th, and 14th February, 1902, relating to the annotation of the forthcoming consolidation of the Statutes of the Dominion of Canada by references to cases decided upon such statutes, and to the Treasurer's letter of the 14th February to the Honourable the Minister of Justice. Convocation directed that the consideration of further action (if any be deemed proper to be taken) be deferred to the first day of next term.

The following gentlemen were then introduced and called to the Bar:—Messrs. G. E. Taylor (with honours and bronze medal), F. L. Button and W. F. Dunn (with honours), and Messrs. A. H. Armstrong, W. A. Nisbet, W. Forbes, H. W. McLean, S. A. Dickson, R. H. Parmenter, R. H. Knox, C. R. Deacon, W. G. R. Bartram.

Ordered, upon motion of Mr. Watson, that the Reporting Committee be requested to report further at the next meeting of Convocation on the subject of the Reporting Staff, and the number thereof to be continued, so that the subject may be considered by Convocation before steps are taken for the appointment of reporters.

Convocation then rose.

LAW SOCIETY OF UPPER CANADA.

REPORT OF THE PRINCIPAL OF THE LAW SCHOOL FOR THE
SESSION OF 1901-1902.

1. Number of Students registered :—

1st year	48,	average attendance	.....	45
2nd "	42,	"	"	..... 38
3rd "	55,	"	"	..... 50

Total 145

One of the second year students has, I am informed, temporarily abandoned the study of law.

2. The conduct and attention have been satisfactory. I think it would be difficult to find any educational institution in which more faithful and earnest work is done by the students as a whole than by those at the Law School.

3. Number of lectures delivered :—

The Principal	.....	222
Mr. Armour, K.C.	.....	107
Mr. Marsh, K.C.	.....	100
Mr. King, K.C.	.....	94
Mr. McGregor Young	.....	113

Total..... 636

4. In addition to these, special lectures were delivered to the Third Year, as shown below.

These lectures were very much appreciated by the students.

5. I have ventured in former reports to press upon the Committee certain changes in the rules relating to examiners which seem to be desirable. I venture again to draw the attention of the Committee to them.

6. In my opinion the rule which prevents members of firms to which Benchers belong from being lecturers or examiners might well be rescinded.

In all probability the most competent of the young men will join these firms.

It is a misfortune for the School not to have the benefit of their services.

7. I trust the policy of the rule by which examiners can hold office for three years, and no longer, may be reconsidered. An examiner, unlike a poet, is made—not born so. Experience in the work is all important for efficiency.

Under the present system, when an examiner has become familiar with his subject and has become conversant with the art of examining, he vacates his office, and is succeeded by someone who has everything to learn, and who seldom attains efficiency until the last year of his tenure of office.

I submit that the time has arrived when graduates of the School should have the first chance for appointments in the School. The work of examination can only be efficiently done by men who have had a scientific training in the School.

9. I beg to recommend that in the second year, Underhill on Torts be substituted for Bigelow on Torts, and that Pollock on Partnership be added to the books prescribed for that year.

If this be acceded to, at least six copies of each of these books must be procured.

10. I recommend that portions of the Municipal Act, to be chosen by me, be prescribed for pass men in the third year, and that I be given liberty to arrange with the examiners as to the most convenient method for examining on this subject.

11. I recommend for student-librarians during the session of 1902-1903, J. Goodwin Gibson, of the present second year, and D. A. McDonald, of the present first year.

12. As the American Bar Association is to meet this year at Saratoga, I recommend that I be authorized to attend its sessions so as to receive the benefit of the valuable discussions on legal education which take place in the Legal Education Section of the Association.

13. I transmit herewith my report as to the Phillips Stewart Library.

14. I transmit also my reports as to the attendance marked Schedules A. and B., respectively.

Dated 17th May, 1902.

N. W. HOYLES,
Principal.

SCHEDULE OF SPECIAL LECTURES DELIVERED TO THE THIRD
YEAR IN 1902.

MORNING LECTURES 9.00 A.M.

The Law of Costs.—W. E. Middleton, Esq.

Do. do. do.

Interlocutory Applications.—John H. Moss, Esq.

Preparation for Trial.—N. W. Rowell, Esq.

Certiorari and Prohibition.—W. H. Blake, Esq.

The Joint Stock Companies Acts.—C. A. Masten, Esq.

Do. do. do.

Attendance at these Lectures was voluntary.

AFTERNOON LECTURES 4.30 P.M.

The Municipal Act.—The Hon. Sir W. R. Meredith, Chief
Justice, Common Pleas Division.

Do. do. do.

Do. do. do.

Do. do. The Hon. Mr. Justice Moss.

Do. do. G. F. Shepley, Esq., K.C.

A Counsel's Duty to his Client.—A. B. Aylesworth,
Esq., K.C.

Procedure Under Winding Up Acts.—Thomas Hodgins,
Esq., K.C., Master-in-Ordinary of the Supreme
Court of Judicature for Ontario.

Attendance at these Lectures was obligatory.

A Lecture which was to have been delivered by the Hon.
Sir John A. Boyd, K.C.M.G., Chancellor of Ontario, on the subject
of Legal Ethics, was cancelled owing to his illness.

LAW SOCIETY OF UPPER CANADA.

TRINITY TERM, 1902.

Thursday, 11th Sept., 1902.

Present:—The Treasurer and Messrs. Barwick, Chrysler, Clarke, Gibbons, Glenn, Guthrie, Hogg, Hoskin, Idington, Kerr, McKay, McPherson, Riddell, Ritchie, Strathy, Teetzel and White.

Ordered, upon a report from the Discipline Committee, that the complaints of Mrs. Tefft and Mr. C. Blönde against Mr. A. B., a solicitor, be referred to the said Committee for investigation.

Ordered that a special call of the Bench be made for the first day of meeting of Michaelmas Term next (Thursday, 20th November) to consider making appointments of examiners in pursuance of rule 40, passed on 24th June, 1902.

Ordered that the applications be referred to the Legal Education Committee for report to Convocation as soon as convenient, and if not before 19th September, at least one month before the first day of next term, on the standing and qualifications under existing rules of the applicants, and that a copy of the draft of such report be sent to every member of Convocation so soon as the same has been made by the Committee, and that the report be accompanied by a copy of rule 40, and that the career and standing of the candidates be sent at the same time to every member of Convocation. 40

Pursuant to the order of Convocation of 24th June, 1902, Convocation entered upon consideration of the report of the Special Committee appointed in relation to conveyancing by persons who are not members of the profession. The report was adopted.

The letter of Mr. Matthew Wilson, acknowledging his election as a Benchler, and expressing his appreciation thereof, was read.

Friday, September 12th.

Present:—The Treasurer and Messrs. Aylesworth, Hogg, Lash, McPherson and Wilson.

Ordered, upon a report of the Legal Education Committee, that the case of Mr. Auguste Lemieux, who had been called to the Bar of this Province on his standing as an advocate of the Bar of the Province of Quebec, and now applies for a certificate of fitness as a solicitor under R.S.O. 1897, chap. 174, sec. 8, be referred to the Legal Education Committee for similar action to that taken in the case of Mr. Napoleon Champagne in Trinity Term, 1901, namely, with power to require the Senior Examiner to have ten questions prepared on the subjects on which under Rule 171 the candidate should be examined. In the case of Messrs. C. R. Deacon, A. E. Bowles, W. G. R. Bartram, W. E. Payne and A. E. Millican that the service be in each case allowed, and each do receive his certificate of fitness (subject in the case of Mr. Bartram to the examinations being passed). and in the cases of Messrs. W. A. Nisbet, A. H. Armstrong, W. F.

Dunn and W. E. Seaborn that they do receive their certificates of fitness on proof of service up to the days respectively of the expiration of their terms of service. In the case of Mr. J. Bogert Bartram, who has been on service with the South African Constabulary, that he be allowed his first year examination. In the case of Mr. H. W. McLean that his service be allowed. That the following gentlemen be called to the Bar:—Messrs. W. McMaster and N. Sommerville (with honours), and Messrs. A. Macdonald, C. A. R. Dulmage, W. E. Seaborn, H. W. McLean, A. E. Millican, J. H. Couch, L. Kinnear, W. E. Payne, A. E. Bowles, F. A. Clement, C. H. Dunbar, C. R. Deacon, D. G. White. That the following gentlemen do receive their certificates of fitness:—Those before named, with the exception of Mr. Seaborn, whose time has not expired, and with the addition of Mr. R. H. Knox. That Mr. Knox be called to the Bar on the 19th of September, on condition of his notice for call, which is late, remaining posted until that date and no objection being received.

Ordered that the communication of the American Law Book Company of 3rd September, 1902, be considered on Tuesday, 20th November next.

The following gentlemen were then called to the Bar:—Messrs. W. McMaster and N. Sommerville (with honours), and Messrs. A. Macdonald, C. A. R. Dulmage, W. E. Seaborn, A. E. Millican, J. H. Couch, L. Kinnear, W. E. Payne, A. E. Bowles, F. A. Clement, C. H. Dunbar and D. G. White.

Friday, September 19th.

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Ordered, upon a report of the Legal Education Committee, that the following gentlemen be called to the Bar:—Messrs. G. E. Taylor, F. L. Button and W. F. Dunn (with honours), and Messrs. A. H. Armstrong, W. A. Nisbet, W. Forbes, S. A. Dickson, R. H. Parmenter and R. H. Knox, and that Messrs. Taylor, Button, Forbes, Dickson and Parmenter do receive their certificates of fitness as solicitors.

Ordered that Mr. W. G. R. Bartram, who has passed the supplemental examination, be called to the Bar and receive his certificate of fitness. That the following gentlemen who have passed the supplemental examination of the first year be allowed same:—W. J. Hanley and P. A. Gahan.

The Legal Education Committee reported upon the case of Mr. Auguste Lemieux that, as ordered by Convocation, the Senior Examiner had been directed to have ten questions prepared on the subjects on which under Rule 171 the candidate should be examined, that these questions (submitted herewith) had been put to Mr. Lemieux by the Chairman and Mr. Barwick, K.C., but were not satisfactorily answered, and the Committee were unable to recommend that Mr. Lemieux be admitted as a solicitor. The report was adopted.

Mr. Watson, from the Finance Committee, presented the following report:—The Committee has taken into consideration the communication, statements and application of the Osgoode Legal and Literary Society for financial aid, as directed by Convocation, and the Committee is of the opinion that the funds of the Law Society cannot legitimately or properly be applied for the purpose as requested.—Adopted.

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tion referred to it by Convocation on the 24th of June last: "That from "and after this year the reports of cases in the official reports shall be confined to a statement of the argument of counsel and of one judgment, "with, when there is more than one opinion, a synopsis where the editor "considers it proper of the other judgments given in the cases," and begs to report that in the opinion of your Committee it would be undesirable to adopt same. The report was taken into consideration and adopted.

Mr. Watson, from the Finance Committee, presented the following report:—That the Committee has, as directed, taken into consideration the application of Mr. Charles P. Sparling for release from liability under the judgment obtained by the Law Society against Rowsell & Hutchison, of which firm Mr. Sparling was a member. The Committee is of opinion that further consideration of the application and action thereon should be deferred until it is made known by Mr. Sparling whether or not he can obtain releases from his other creditors.—Adopted.

Mr. Watson, from the same Committee, reported:—That the Committee have been able, through the Honourable the Commissioner of Public Works and the Government of the Province, to arrange for more ample and more convenient wardrobe accommodation for members of the profession at Osgoode Hall. The old Chancery Court room in the west wing has now been appropriated for the time to the use indicated, and wardrobes have been placed in it, with locks and keys. The total number of wardrobes is 224, numbered consecutively. A number of the lockers will be left unappropriated, so that members coming in, not having a separate locker, may obtain the accommodation required. The expense of fitting up the court room and wardrobes has been assumed by the Government. The report was taken into consideration and adopted.

The Treasurer referred to the minutes of Convocation of the 7th, and 14th February, 1902, relating to the annotation of the forthcoming consolidation of the Statutes of the Dominion of Canada by references to cases decided upon such statutes, and to the Treasurer's letter of the 14th February to the Honourable the Minister of Justice. Convocation directed that the consideration of further action (if any be deemed proper to be taken) be deferred to the first day of next term.

The following gentlemen were then introduced and called to the Bar:—Messrs. G. E. Taylor (with honours and bronze medal), F. L. Button and W. F. Dunn (with honours), and Messrs. A. H. Armstrong, W. A. Nisbet, W. Forbes, H. W. McLean, S. A. Dickson, R. H. Parmenter, R. H. Knox, C. R. Deacon, W. G. R. Bartram.

Ordered, upon motion of Mr. Watson, that the Reporting Committee be requested to report further at the next meeting of Convocation on the subject of the Reporting Staff, and the number thereof to be continued, so that the subject may be considered by Convocation before steps are taken for the appointment of reporters.

Convocation then rose.

To the Treasurer and Benchers of the Law Society of Upper Canada:

GENTLEMEN,—In accordance with your resolution and the rules of the Society, I have inspected the County Law Libraries, other than that at Rat Portage, and beg to submit this my report.

I am glad to be able to state that improvement is shown in almost all the libraries mentioned in my last report as requiring it, and that the condition of the libraries throughout is very encouraging, and shows that more interest is being taken in them by the profession. The individual references are, therefore, fewer than usual.

I should mention, I think, that the improvement in the library at Brantford, which was noted in my last report, has been commented on by members of the profession in other counties, and that it has stirred them up to better things for their own library.

The Ottawa Association has at last gotten into quarters very suitable and convenient, and handsomely equipped as regards furniture and book-stacks. 42

At Goderich, by reason of new shelving, the books are better arranged, and more attention is being given to make the library attractive and convenient.

The Association at Woodstock has also shown more interest, and have sought to overcome the objections raised in my last report, but a good deal yet remains to be done in arranging the books and in obtaining increased accommodation.

Though not much has been accomplished at Welland, there is promise of great improvement during the coming year.

Windsor is the only library that I can say does not show any improvement. This is due in a great degree to the want of suitable and convenient premises, but with more activity and interest on the part of the members of the Association I think much could be accomplished towards its betterment.

Generally:

For Associations having such limited means at their disposal much credit is due to the officers for the care and pains evidently exercised by them in the selection of books, though in some cases it has been haphazard, and not by a study of the needs of the profession and the state of the treasury. The trustees owe it to the Association and to the profession at large, that the money be expended to the best advantage; and the idea of permanence and continuity should enter largely into consideration.

The best libraries are found, naturally, where the Association, its officers and members are alive to all the questions affecting itself particularly and the profession at large. Interest on the part of the members makes the work of the officers much lighter and more pleasant, and tends to permanency, which, in most cases, is desirable. It will be found, also, that there are few who refuse to become members of the Association, though there are some, I am sorry to say, who do not hesitate to take advantage of the library, yet refuse to contribute the small amount required of them yearly towards its maintenance. The County Council.

also, is usually interested in the progress of the Association, and generous treatment toward it is accorded. I can assure these corporations that the assistance so given is in the interest of the people.

The members of the profession at large might, I think, take more interest in the libraries as a whole. There are many of the smaller libraries that find it all they can do to meet their ordinary subscriptions without entering on the purchase of other books of reference. Several volumes have been donated to the libraries by members of the profession in other places, and in some cases private libraries, in whole or in part, have been placed on the county library shelves for use until such time as the Association can afford to purchase. In this way libraries, which would otherwise be of limited service, are rendered more adequate to the needs of practitioners.

The attractiveness of the library quarters is a most important matter, and much is being done in this respect. Too much stress cannot, I think, be placed on pleasant surroundings in a library, and every Association should seek, with the aid of the County Council, to have their quarters attractive. Plain walls and bare floor, with crude furniture, are conducive only in a few cases to deep study. A little more care and thought in the choice of book cases suitable for law books would result in much better arrangement of books and conservation of valuable space. In every library there should also be provided paper, pens and ink for the use of readers. It is noticeable that, where care is exercised in these matters, there is very little trouble about books going astray.

Where a librarian is employed the books are better arranged and cleaner, and in this connection I desire to impress on every Association the advisability of having some one whose special duty it is to take care of the books and their arrangement. Some are very poorly arranged, and to a stranger this must mean a great loss of time. With the smaller Associations it is impossible to have one whose whole time is given to this, nor, indeed, is it necessary; but in all cases it would, I submit, be an easy matter to secure the services of some one who would keep the library in order, and that for a charge commensurate with the time expended. An outlay by an Association in this respect would save much individual labour and expense. The reports become much more valuable by reason of annotation, than the mere money spent thereon would indicate, and likewise the statutes and periodicals. The employment of a librarian, competent and efficient, for an hour a day, will keep almost any of the libraries up to date in this respect, and increase the value of the books beyond account, and the amount of individual labour saved on the part of the profession would be very great. Those libraries which have secured the services of a librarian, more or less permanent, show the results in increased membership and interest, and where the library warrants it, I think liberal treatment in allowances for this service should be accorded.

As to arrangement of books, the necessary divisions are few, and it is an easy matter to divide the library into sections of Texts, Reports according to series, Periodicals, Digests and Statutes. This done, and the sections labelled, more particularly for the benefit of outsiders, is all that is necessary. Ample room should be allowed for the natural increase in the subscription works, and frequent rearrangement thus avoided.

A catalogue is a necessity, even in a small library, as, where the officers change so frequently, there is no ready way of ascertaining what books should be in the library. This should be in a well-bound book for

permanent reference, and might also contain date of purchase and other particulars.

In visiting these libraries, it cannot but strike one that the smaller Associations, which cannot hope for a large membership, should share to a greater extent in the Government grant than do those situated in the larger centres. The members of these Associations pay high fees, in some cases \$10 per year. to maintain their library, while in some of the larger Associations the annual fee is as low as \$2.

I append for reference a short report on each library inspected.

All of which is respectfully submitted.

Toronto, 15th August, 1902.

MICHAELMAS, 1902.

Thursday, 20th November.

Present: The Treasurer and Messrs. Barwick, Bayly, Bruce, Foy, Gibbons, Guthrie, Glenn, Hogg, Hoskin, Idington, Kerr, Lash, Lynch-Staunton, Martin, McKay, MacLennan, McPherson, Proudfoot, Riddell, Ritchie, Robinson, Shepley, Strathy, Teetzel, Watson, Walkem and White.

Ordered upon a report of the Legal Education Committee: That the service of Messrs. J. M. Kearns and J. C. MacMurchy be allowed. That Messrs. R. G. Hunter and J. C. MacMurchy be called to the Bar and do receive their certificates of fitness. That Mr. F. A. McDiarmid be called to the Bar. That Mr. A. J. Welch be admitted as a student-at-law, to rank as of Trinity Term. That the application of Mr. W. E. Thornloe, an advocate of the Province of Quebec, to be called to the Bar, be referred to a Special Committee, consisting of the Chairman of the Legal Education Committee, and Mr. Martin, to examine him touching his qualifications for call. That the applications of Messrs. W. E. Thornloe and Auguste Lemieux, for certificates of fitness, be referred to the Legal Education Committee, with power to request the Senior Examiner to have ten questions prepared on the subjects upon which under Rule 207 such candidates should be examined.

Convocation then, in pursuance of notice given, proceeded to the appointment of Examiners in accordance with Rule 40 passed 24th June, 1902. Messrs. H. E. Rose, J. A. C. Cameron, H. J. Martin and S. B. Woods were appointed, and Mr. Rose was appointed Senior Examiner. Ordered that Mr. Cameron do, under the proviso to Rule 40, retire at the end of the second year from the date of his present appointment, Mr. Rose at the end of the third, Mr. Woods at the end of the fourth, and Mr. Martin at the end of the fifth year.

Ordered that Mr. J. C. Grant, a solicitor of over ten years' standing, be called to the Bar, and that the notice for call given by Mr. James Fraser, a solicitor of over ten years' standing, do remain posted until the 5th of December, and that he be then called.

The Special Committee appointed to examine Mr. W. E. Thornloe for call to the Bar having reported his qualifications satisfactory, ordered that he be called to the Bar.

Ordered upon a report of the County Libraries Committee that an advance of \$150.00 by way of loan under the Rules be made to the Hastings Law Association, upon security being given in the usual form for the due expenditure of the grant.

Ordered, upon a division, that the offer, contained in letter dated 3rd September, 1902, of the American Law Book Company, to present an annual prize of one complete set of the Cyclopedia of Law and Procedure, to be awarded to the students of the Law School, be entertained, subject to conditions to be approved of by Convocation, and that the letter and resolution of Convocation be referred to the Legal Education Committee to report a scheme.

Mr. Ritchie, on behalf of the Reporting Committee, reported:

That they have considered the following resolutions: (1) That the

Reporting Committee do report upon the subject of the efficacy of the reports as reported, and whether arguments of counsel should not be set out more than at present, and also that the cases cited be applied to the points in relation to which they are cited; (2) That the Reporting Committee be requested to report further at the next meeting of Convocation on the subject of the Reporting Staff, and the number thereof to be continued, so that the subject may be considered by Convocation before steps are taken for appointment of Reporters. The Committee begs to report that in its opinion the arguments of counsel should whenever practicable be reported and the authorities cited grouped under the proper headings. The Committee also begs to report that in its opinion it would be inadvisable to reduce the number of the Reporting Staff.

The first branch of the report was adopted.

On motion to adopt the second it was moved in amendment by Mr. Watson that the number of reporters be reduced by one and that hereafter the Reporting Staff be five in addition to the Editor-in-Chief, the change to take effect on the occasion of the next appointment of reporters. Lost. The report was then adopted.

Ordered that the usual advertisement in relation to the appointment of reporters on the last day of Michaelmas Term, 1902, be published, and that a special call of the Bench be issued for Friday, the 5th day of December, 1902, upon which day the appointment of Editors and reporters is to be made.

Mr. Martin, from the County Libraries Committee, presented the report of the Inspector of County Libraries, and the Committee's report thereon, which was adopted, and ordered, with the Inspector's report, to be printed and distributed as recommended.

Messrs. W. E. Thornloe and F. A. McDiarmid were called to the Bar.

Friday, 21st November.

Present: The Treasurer and Messrs. McPherson, Robinson, Strathy and Watson.

Messrs. R. G. Hunter and J. C. MacMurchy were called to the Bar.

Convocation entered upon consideration of the matters comprised in the letter of the Treasurer dated 14th February, 1902, to the Honourable the Minister of Justice, asking whether in any statute revision in contemplation, the Government would consider it feasible or expedient to include in such revision references to cases decided upon the statutes, and whether in that event suggestions from the central governing bodies of the different Provincial Bars with regard to the noting of such references would be considered, and in the reply of the Deputy-Minister, dated 19th February, 1902, in which he stated that the Minister desired to know whether in the event of his adopting the suggestion, the Bar Societies of the several Provinces would furnish for the benefit of the work, and at their own expense, complete tables of references to reported decisions of their respective Provincial Courts.

It was moved by Mr. McPherson that a copy of the letters above referred to be sent to the Secretaries of the various Law Societies in each of the other Provinces and Territories of Canada, asking for replies in the terms of the letter of the Minister of Justice, and that the replies received be submitted to Convocation. Carried.

Ordered that the letter of Mr. W. C. Mikel, of 23rd October, 1902, enclosing a copy of a resolution passed at a meeting of delegates of County Law Library Associations, 30th June, 1902, in reference to aid by the Dominion Government to County Law Associations, be referred to the County Libraries Committee to report to Convocation their view of the form in which such application, if any, should be made.

The letter of Mr. James B. Boosé, Librarian of the Royal Colonial Institute, dated 18th September, 1902, in which he expressed the hope that the Law Society might be able to assist the Institute in their collection of reports by presenting to the library thereof a set of the Law Reports of the Province of Ontario, was read. The Secretary was directed to reply that Convocation regrets that the Law Society has no sets of the reports in its possession or control available for the purpose of complying with the request of Mr. Boosé.

The Secretary read the letter of the Carswell Company, Limited, dated 6th October, 1902, requesting leave to print two hundred copies of the new Consolidated Digest in addition to the number allowed by their contract with the society, the Secretary's reply, dated 6th November, directed by the Finance Committee, and the Carswell Company's further letter of 10th November, in reference to the same subject. Mr. McPherson moved that the above correspondence be referred to the Finance Committee for consideration and report at the next meeting if practicable. Ordered accordingly.

Mr. Watson gave notice that a motion would be made at the next meeting of Convocation to reconsider the resolution passed on the 7th February, 1902, with reference to the annotation of the Dominion Statutes.

Friday, 5th December.

Present: The Treasurer and Messrs. Bayly, Guthrie, Lash, Martin, Maclellan, McPherson, Riddell, Ritchie, Robinson, Teetzel and Wilson.

Ordered upon a report of the Legal Education Committee that Messrs. W. E. Thornloe and Auguste Lemieux, who have satisfactorily answered the questions set for them upon the subjects on which, under Rule 207, such candidates should be examined, do receive their certificates of fitness as solicitors. That Mr. J. M. Kearns be called to the Bar and do receive his certificate of fitness. That the application of Mr. Henry Aylen, K.C., an advocate of the Province of Quebec, to be called to the Bar, be referred to a Special Committee, consisting of Mr. Bayly and Mr. McPherson, to examine him touching his qualifications for call.

The said Special Committee having reported that Mr. Aylen's qualifications were satisfactory, ordered that he be called to the Bar.

Convocation then proceeded to the appointment of Editor and reporters for three years, terminating with the last day of Michaelmas Term, 1905. Mr. J. F. Smith was appointed Editor, and Messrs. G. F. Harman, Geo. A. Boomer, A. H. F. Lefroy, T. T. Rolph, E. B. Brown and R. S. Cassels were appointed reporters.

It was mentioned on behalf of Mr. Aylesworth that he desired to move that the Honourable Charles Moss, Chief Justice of Ontario, be requested to sit for his portrait, to be placed in the galleries with his eminent predecessors.

On motion of Mr. Aylesworth, it was ordered that Messrs. Aylesworth, Ritchie, Watson and Shepley be a Special Committee to apply for the consent of Chief Justice Moss, and select a competent artist to fulfil the task, as also to make all engagements for cost, etc., Mr. Aylesworth to be the convener.

The letter of Mr. D. M. Grant was read in reference to an error in the enrolment of his name on the Rolls of the Court. Ordered that he be informed that he must apply to the High Court of Justice.

Ordered that Mr. Jas. Fraser, whose notice for call had remained duly posted be called to the Bar.

Messrs. Henry Aylen, K.C., J. C. Grant, Jas. Fraser and J. M. Kearns were then called to the Bar.

The letter of the Secretary of the Osgoode Legal and Literary Society, of 2nd December, 1902, asking that a deputation from the Society be allowed to appear before Convocation to confer with regard to the debt owing by that Society, was read, and Messrs. F. E. Brown and R. D. Hume were received as the deputation, and after being heard, retired.

After discussion, it was resolved that Convocation does not feel justified in appropriating the funds of the Law Society to meet the deficit occasioned under the circumstances stated by the deputation.

Mr. Watson's motion to reconsider the resolution with regard to the annotation of the Statutes was deferred until next meeting.

Convocation ordered that the use of the Law Society's rooms should not, in future, be given for any entertainment, unless the applicants satisfy the Finance Committee that the expenses connected with such proposed entertainment are satisfactorily provided for.

Mr. Martin, from the County Libraries Committee, reported in reference to Mr. W. C. Mikel's letter of 23rd October last, as to procuring aid from the Dominion Government for the County Libraries, that application be made by Convocation for a grant of substantially a similar amount to that contributed by the Ontario Government, and upon the same conditions. Ordered that same be referred back to the Committee for further consideration, and to report a form of application for the purpose mentioned.

Reference was made to the correspondence in connection with the application of the Carswell Company, Limited, to be allowed to print additional copies of the Digest, which had been referred to the Finance Committee for report. No report having yet been presented, ordered that the Finance Committee be asked to consider and dispose of the matter and report their conclusion or action to Convocation.

Convocation then rose.

LAW SOCIETY OF UPPER CANADA.

HILARY TERM, 1903.

Thursday, 5th February.

Present: The Treasurer and Messrs. Bayly, Bruce, Hogg, Hoskin, Idington, Kerr, Martin, McKay, McPherson, Ritchie, Robinson, Shepley, Strathy, Teetzel and Wilson.

After the minutes of last meeting had been read Mr. Bayly withdrew.

Ordered, upon a report from the Discipline Committee, upon the complaints of W. H. Schultz against Mr. A. B. and Theo. Breidenbach against Messrs. B. and C. that the complainants be informed that if aggrieved they can apply to the Courts for relief and these matters, therefore, need not be investigated by the Society. That the report of the said Committee upon the complaints of Mrs. Tefft and Mr. C. Blonde against Mr. E. F. be taken into consideration on the 21st day of May next, special notice thereof to be given to the Benchers when the circular of meetings in Easter Term is sent out. That a *prima facie* case having been found upon the complaints of Mr. M. J. Gorman, K.C., and the Peterborough Law Association against Mr. G. H., the complaints be sent to the Discipline Committee for investigation and report in the usual manner. 40

Ordered, upon a report of the Journals Committee, submitting a reprint of the Consolidated Rules of the Society, that two thousand copies thereof be printed.

Ordered that the letter dated 12th December, 1902, of Mr. Geo. S. Holmsted to the Treasurer be transmitted to a Committee consisting of the Finance and Reporting Committees, acting jointly, to report their views thereon to Convocation, Mr. Ritchie to be Convener. That the letter dated 16th January, 1903, of Mr. A. H. Marsh, K.C., applying on behalf of the Carswell Company for liberty to print and sell two hundred copies of those portions of the new Digest comprised under the titles "Company" and "Railways" be referred to the Reporting Committee to deal with the application, Convocation being of opinion that under proper safeguards embodied in an agreement the concession may be accorded; and that power be given said Committee to dispose of the matter.

Ordered that Mr. H. E. McKee, a solicitor of over ten years' standing, be called to the Bar.

The letters of the various Law Societies of the other Provinces received in answer to the circular letter of 24th November, 1902, sent out by order of Convocation to ascertain their views with respect to furnishing references to cases reported in their Courts to be appended to the publication of the Consolidated Statutes of Canada, were read—Convocation not being able at present to take any action in respect thereof.

Friday, 6th February.

Present: The Treasurer and Messrs. Gibbons, Hoskin, Lash, McPherson and Riddell.

Ordered upon a report of the Legal Education Committee that in the case of Mr. R. D. Schooley the rules as to due attendance upon lectures cannot be dispensed with.

The report of the Library Committee was presented. (This report has been printed and distributed to the profession with the Law Reports.)

Ordered upon a report of the County Libraries Committee that an advance of \$300.00 by way of loan under the Rules be made to the Stormont, Dundas, and Glengarry Law Association, upon security being given in the usual form for the due expenditure of the grant.

Friday, 13th February.

Present: The Treasurer and Messrs. Aylesworth, Barwick, Bayly, Bruce, Foy, Hoskin, Lash, McPherson, Riddell, Shepley and Watson.

Ordered, upon a report from the Discipline Committee, upon the complaint of W. W. Fitzgerald (of Grenfell, Assa.) against Mr. J. K. and Messrs. Hibbard & Glass against Mr. L. M. that the complainants be in each case informed that they should apply for relief to the Courts of Law; and upon the complaint of Mr. Jas. Dickinson against Mr. N. O. that the complainant be informed that, if aggrieved he should bring the matter before the learned judge who tried the action referred to in his complaint.

Ordered upon a report of the Legal Education Committee that the petition of Mr. N. R. Webb to have his admission as a student at law ante-dated and to be allowed to take his first year examination before the period allowed by the Rules be refused. That Mr. E. Gallagher be admitted as a student at law upon production of proper proofs of the statements made in his special petition. That a regulation passed by the Legal Education Committee forbidding applications personally or by letter to members of the Committee or of Convocation by students who have applications pending before the Committee and providing for permission to students making applications to attend meetings of the Committee and be heard in support thereof be approved.

The report of the Finance Committee, upon the reference to them on the 5th of December, 1902, of the application of the Carswell Company, Limited, for leave to print two hundred additional copies of the new Digest, that the Committee had concluded that such application should not be entertained and that the applicants had been notified of the Committee's decision, was adopted.

Mr. Watson from the Finance Committee, presented the statement of receipts and expenditure for the year 1902, which was ordered to be printed and distributed to the profession; also the estimate of receipts and expenditure for 1903.

Having regard to the resolution of Convocation passed on the 14th February, 1902, in relation to the annotation of the Consolidated Statutes of Canada, Mr. Watson withdrew the motion of which he had given notice, namely, that the resolution of 7th February, 1902, relating to this subject be re-considered.

STATEMENT OF

RECEIPTS AND EXPENDITURE

OF THE

LAW SOCIETY

FOR THE YEAR ENDING 31st OF DECEMBER, 1902.

(PURSUANT TO R. S. O. CHAPTER 172, SECTION 53).

The figures on the left are the corresponding items for the year 1901.

RECEIPTS.

1901		1902
	Solicitors' Certificates:	
	Paid after the beginning of the year, but	
\$ 3,495 73	payable the Michaelmas previous.....	\$ 4,182 00
344 00	Fines Collected	681 90
	Fees and fines in arrear prior to the pre-	
443 89	ceding Michaelmas.....	927 50
21,480 00	Payable in Michaelmas of the current year.	21,840 00
\$25,763 62		\$27,631 40
	Barristers' Annual Fees:	
	Paid after the beginning of the year, but	
\$ 490 00	payable the Michaelmas previous	\$ 574 00
	In arrear prior to the Michaelmas of the	
138 00	preceding year	206 00
2,774 00	Payable in Michaelmas of the current year.	2,840 00
\$ 3,402 00		\$ 3,620 00
97 00	Notice Fees.....	118 00
\$ 2,350 00	Students' Admission Fees.....	2,600 00
50 00	Less Fees returned	
\$ 2,300 00		
68 00	Fees on Petitions and Diplomas	76 00
7,280 00	Law School Tuition Fees	6,910 00
2,830 00	Solicitors' Examination Fees.....	3,305 00
	Call Fees under 57 Vict. cap. 44 and other	
\$ 600 00	Cases.....	\$ 1,300 00
4,630 00	Call Fees in Ordinary Cases	5,465 00
\$ 5,230 00		\$6,765 00
\$46,970 62	Carried forward	\$ 51,025 40

\$46,970 62	Brought forward.....	\$51,025 40
	County Library Loans returned:—	
30 00	Essex.....	30 00
16 00	Norfolk.....	
34 50	Peterboro'.....	34 50
52 50	Leeds.....	52 50
	Grey.....	36 00
32 50	Perth.....	32 50
50 00	Lindsay.....	50 00
\$ 215 50		\$ 235 50
44 39	Commission on Telegraph Messages.....	47 74
2,234 16	Interest and Dividends.....	2,333 48
1 10	Fines in respect of Students' Lending Library.....	5 40
	Grant from Ontario Government in aid of Telegraph and Telephone Service.....	175 00
175 00		
26 00	Subscriptions for Statutes for 1901.....	
454 00	“ “ “ “ 1902.....	34 00
	“ “ “ “ 1903.....	504 00
\$ 480 00		\$ 538 00
\$50,120 77	Grand Total.....	\$54,360 52
	Received from publishers of the Consolidated Digest pursuant to contract on sale of manuscript.....	\$10,000 00

EXPENDITURE.

	REPORTS :—	
\$3,137 91	Printing Reports.....	\$ 3,440 16
	Salaries :—	
\$2,000 00	Editor.....	\$ 2,000 00
1,200 00	Reporter, Q.B.D.....	1,200 00
1,200 00	“ C.P.D.....	1,200 00
1,200 00	“ Chy. D.....	1,200 00
1,200 00	“ “.....	1,200 00
1,200 00	“ Court of Appeal.....	1,200 00
1,175 00	“ Practice Cases.....	1,200 00
9,175 00		\$ 9,200 00
\$12,312 91		\$12,640 16
	COST OF CONSOLIDATED DIGEST :—	
	Amount paid to the Editor-in-Chief, Mr. J. F. Smith, as progressive payments on account of the compilation.....	\$ 1,875 00
\$ 3,200 00		
57 20	Stationery, Material and Advertising.....	37 05
	Insurance.....	235 80
3,257 20		\$ 2,147 85
	LAW SCHOOL :—	
	Salaries :—	
\$ 5,000 00	Principal.....	\$ 5,000 00
6,000 00	Four Lecturers at \$1,500 each.....	6,000 00
1,650 00	Salaries of Examiners.....	1,650 00
\$12,650 00		\$12,650 00
\$15,570 11	Carried forward.....	\$14,788 01

\$15,570 11	\$12,650 00	Brought forward	\$12,650 00	\$14,788 01
	185 00	Scrutineers at Examinations	182 50	
		Principal's expenses attending American Bar Association	52 40	
	280 60	Printing and Stationery	343 85	
	766 23	Scholarships and Medals	766 88	
		Caretaking, Light, Heating, Furniture and Maintenance	817 94	
\$14,790 04	-----		-----	\$14,813 57

LIBRARY:—

\$ 3,178 20	Books purchased	3,480 18
548 81	Binding and Repairs	555 34
167 40	Maintenance including Stationery ..	214 69

Salaries:—

\$1,800 00	Librarian	\$1,800 00
1,000 00	Asst. Librarian	1,000 00
	Attendance during	
178 50	evenings	182 25

2,978 50 ----- 2,982 25

\$ 6,872 91 ----- \$ 7,232 46

LAW COSTS:—

\$ 100 00	Solicitor's Allowance	\$ 100 00
975 35	Taxed Costs and Counsel Fees	973 39

\$ 1,075 35 ----- \$ 1,073 39

\$ 692 70 TELEGRAPH AND TELEPHONE OFFICE..... \$ 695 20

LIGHT, HEATING, WATER, GROUNDS AND INSURANCE:—

	Payment to Ontario Government for	
\$ 890 00	Steam Heating	\$ 890 00
628 95	Lighting	729 18
77 08	Heating	112 52
97 22	Water	128 30
1,089 46	Grounds	995 21
	Insurance on East Wing and Library ..	250 00
67 50	Insurance on Law School	250 00
15 00	Insurance on Stock of Reports	
5 00	Insurance on Books at Bindery	5 00
	Rent for Safe Deposit Drawer for	
8 00	Inventories	8 00

\$ 2,968 56 ----- \$ 3,368 21

ADDITIONS, ALTERATIONS, REPAIRS AND FURNITURE

\$ 1,171 34 ----- \$ 244 99

\$43,141 01 ----- \$42,215 83

\$43,141 01

Expenditure—Brought forward\$42,215 83

COUNTY LIBRARIES AID :—

Annual Grants.

\$ 146 34	Brant.....	\$ 175 00
40 00	Bruce.....	83 67
520 00	Carleton.....	525 00
147 50	Elgin	160 00
171 67	Essex	151 66
117 67	Frontenac	120 17
100 37	Grey	81 34
510 00	Hamilton.....	515 00
94 34	Hastings	101 34
210 00	Huron.....	215 00
141 67	Kent.....	251 67
172 67	Leeds	176 66
190 00	Lindsay	195 00
500 00	Middlesex	497 50
60 00	Norfolk	55 00
122 54	Ontario	149 17
108 34	Perth	113 34
163 00	Peterborough	163 00
	Rainy River, including special grant	224 44
135 00	Simcoe	153 66
	Stormont.....	77 50
120 00	Waterloo.....	117 50
65 00	Welland.....	30 00
180 00	Wellington	173 00
800 00	York	800 00
<hr/>		<hr/>
\$4,816 11		\$ 5,305 62

200 00 Payment to Inspector for 1901.....
 " " " 1902..... 200 00

Inspectors' Disbursements, in-
 spection of library at Rat
 Portage

50 95

LOANS: Hastings..... 150 00

\$ 5,067 06.....\$ 5,655 62

SECRETARIAT AND CARETAKING:—

\$ 1,500 00	Secretary's Salary.....	\$ 1,500 00
100 00	Auditor's Fee	100 00
525 00	Caretaker's Wages.....	525 00
100 00	Gratuities	150 00
150 01	General Expenses and Housecleaning...	103 67

\$ 2,275 01.....\$ 2,378 67

\$ 341 86.....PRINTING, ADVERTISING AND STATIONERY. \$ 265 07

\$50,824 94.....Carried forward.....\$50,515 19

\$50,824 94	Expenditure—Brought forward	\$50,515 19
	SUPREME COURT REPORTS :—	
1,940 00	Subscription to Vol. 31 as per contract with the Government.....	
	Subscription to Vol. 32 as per contract with the Government.....	1,943 75
	STATUTES :—	
432 25	Payments made for supply of Ontario and Dominion Statutes to Members of the Profession subscribing through the Law Society.....	465 04
715 15	EXPENSES OF BENCHER'S ELECTION, 1901	
96 50	FLAGSTAFF AND FLAG	
238 15	LAW REFORM AND LUNCHEONS FOR DELEGATES	
9 00	COMMITTEE ON UNLICENSED CONVEYANCES.....	121 50
76 58	CONTRIBUTION TO EXPENSE OF SIDEWALK	
	MISCELLANEOUS :—	
\$ 400 00	Portraits	
381 90	Term Lunches.....	\$ 290 20
250 00	Grant to Widow of the late Secretary.....	250 00
79 20	Postage	74 26
3 88	Telegrams.....	5 08
3 00	Rent of Box in Safe Deposit Vaults.....	3 00
19 80	Ice for the year.....	16 55
93 96	Miscellaneous	5 91
55	Express and Freight Charges.....	1 10
10 00	Grant in aid of Circuit Guide.....	10 00
1,241 89		656 10
<u>\$55,574 46</u>		<u>\$53,701 58</u>

TORONTO,

6th January, 1903.

Audited and found correct,

W. H. CROSS,

Auditor.

Law Society of Upper Canada.

*To the Treasurer and Benchers
in Convocation Assembled:—*

The Library Committee beg leave to report as follows:—

Your Committee submit herewith the Librarian's Report for the year 1902, and recommend that the said Report be printed and distributed with the next number of the current Reports.

A. B. AYLESWORTH,

Chairman.

February 5th, 1903.

THE LIBRARY, OSGOODE HALL,

TORONTO, JANUARY, 20TH, 1903.

*To the Chairman and Members of the Library
Committee of the Law Society of Upper Canada.*

The Librarian begs to submit his Report for the year 1902, as follows:—

The total expenditure upon Library account during the year was \$7,232.46, disbursed as follows:—

Books and Periodicals,	-	\$3,480.18
Binding,	- - - -	313.00
Re-binding, Repairs, etc.,	-	242.34
Stationery and Sundries,	-	214.69
Salaries,	- - - -	2,982.25

A detailed statement of the expenditure for books and periodicals accompanies this Report; also an estimate of the expenditure for the current year.

The number of bound volumes added to the Library last year was 914. Of these 616 were purchased, 210 were taken in as periodicals and subsequently bound, and 88 were presented. A classified list of the accessions and a list of the volumes presented will be found appended to this report. The bound volumes in the Library now number 32,872.

Late in the year two rooms formerly used as wardrobe rooms were annexed to the main Library, and fitted with shelving. The additional accommodation thus provided was greatly needed, and should meet the necessities of a few years to come.

The evening attendance in the Library was considerably less than that of the previous year, when the

total was 2,863 for 232 evenings. The Library was open on 241 evenings last year, and the attendance was as follows:—

		TOTAL.	AVERAGE.
Barristers,	- -	982	4.07
Students -	- - -	1,653	6.86
		<hr/>	<hr/>
		2,635	10.93

The decrease is found in the attendance of barristers, which was 234 less than in the previous year.

I regret to report that in November last three books (all of an elementary character), which had been missing since 1895 were surreptitiously returned to the Library in a mutilated condition, the covers having been destroyed and other marks of the Society's ownership removed.

I beg to report also that, among others, the following books have been missing since April last: Weekly Reporter, vol. 34; Times Law Reports, vols. 5 and 7; Law Reports, (1898) 1 Q.B.; Law Reports, 29 Ch. Div. It is significant that several of these contained cases which were cited on one occasion about the date mentioned. Their loss is a serious inconvenience, but as the expectation is that—as often happens—they will eventually be returned, it scarcely seems advisable to replace them. The last edition of Cooley's "Law of Taxation" has also been missing since the time of the sittings of the Assessment Commission.

All of which is respectfully submitted.

W. GEO. EAKINS.
Librarian.

EXPENDITURE, 1902.

Books, Periodicals, etc.:—	
Books and Pamphlets	\$2,856 80
Periodicals.	519 17
Stamping.....	36 10
Freight, Brokerage, etc.	68 11
	<hr/> \$3,480 18
Binding.....	313 00
Re-binding, repairs, etc.	242 34
Stationery and Sundries	214 69
Salaries	2,982 25
	<hr/> \$7,232 46

ESTIMATED EXPENDITURE, 1903.

Books, Periodicals, etc.:—	
Books and Pamphlets	\$4,100 00
Periodicals	500 00
Stamping.....	75 00
Freight, Brokerage, etc.	75 00
	<hr/> \$4,750 00
Binding	325 00
Re-binding, Repairs, etc.	225 00
Stationery and Sundries	225 00
Salaries	2,975 00
	<hr/> \$8,500 00

ACCESSIONS, 1902.

	VOLS.	Cost.
Texts—Canada	10	\$ 45 50
“ United Kingdom	76	398 56
“ United States.	15	74 09
“ France	29	116 96
Reports—Canada.	46	94 34
“ United Kingdom.	87	338 66
“ Australasia	4	69 00
“ United States	189	607 12
Statutes—Canada	44	56 35
“ United Kingdom	7	14 67
“ Australasia	5	43 00
“ United States	24	58 95
Digests and Indexes	70	241 87
Parliamentary	76	53 57
Miscellaneous (including Periodicals)	209	539 59
General Literature	23	58 08
	<hr/> 914	<hr/> \$2,810 31

Pamphlets	7	\$5 55
Volumes Purchased	616	
Volumes Bound for the Library	210	
Volumes Presented to the Library	88	
		<hr/> 914

PRESENTATIONS.

	VOLS.
Dominion Government—Statutes, Sessional Papers, etc	31
Ontario Government—Statutes, Sessional Papers, etc.	23
Quebec Government—Journals and Sessional Papers	3
Nova Scotia Government—Statutes, Sessional Papers, etc....	2
New Brunswick Government—Statutes, Sessional Papers, etc.	2
Manitoba Government—Statutes, Sessional Papers, etc.....	2
British Columbia Government—Statutes, Sessional Papers, etc.	3
Prince Edward Island Government—Statutes	1
Newfoundland Government—Statutes	1
Minister of Education—Doc. Hist. of Education, U.C. vol. 9	1
Angus MacMurchy, Esq.—Canadian Railway Cases, vol. 1....	1
Angus MacMurchy, Esq.—Liber Placitandi	1
L. G. Desjardins, Clerk Leg. Ass., Que.—Speaker's Decisions, 1867-1901.	1
American Bar Association—Annual Reports, 1900, 1901.....	2
New York Bar Association—Annual Report, 1902	1
New York State Library—Annual Report, 1901.	1
Librarian of Congress, U.S.—Annual Report, 1901.	1
U. S. Commissioner of Education—Annual Report	1
Secretary of Commonwealth, Massachusetts—Acts, 1902.....	1
Secretary of Commonwealth, Massachusetts—Index to Revised Laws	1
Chicago Law Institute—Index Catalogue of Library	1
Supreme Court of Hawaii—Reports	1
International Law Association—Reports of Conferences, 1900, 1901.	2
Toronto City Clerk—City Council Minutes	1
Toronto University—Examination Papers	1
Trinity University—Calendar, 1902-03.	1
Queen's University—Calendar, 1902-03.	1

LAW SOCIETY OF UPPER CANADA.

EASTER TERM, 1903.

Thursday, May 21st.

Present : The Treasurer and Messrs. Aylesworth, Bayly, Glenn, Hoskin, Idington, Kerr, Lynch-Staunton, Strathy, Shepley, Walkem, Watson, White and Wilson.

The Treasurer stated that in pursuance of Rule 31, the election of Treasurer take place at the first day of meeting of Convocation in Easter Term.

On motion of Dr. Hoskin, seconded by Mr. Walkem, Mr. Irving was elected Treasurer for the ensuing year.

The following gentlemen were appointed a Special Committee to strike the Standing Committees for the ensuing year : Messrs. Hoskin, Kerr, Strathy and Watson. Dr. Hoskin on behalf of the Special Committee reported a list of members to compose such Standing Committees. The report was adopted. 46

The list is as follows :

Finance.—Messrs. A. B. Aylesworth, Walter Barwick, A. H. Clarke, G. C. Gibbons, John Hoskin, E. Martin, W. D. McPherson, W. R. Riddell, C. H. Ritchie, G. F. Shepley, H. H. Strathy, R. T. Walkem, G. H. Watson, W. R. White.

Legal Education.—Messrs. Walter Barwick, R. Bayly, J. M. Glenn, D. Guthrie, John Hoskin, Z. A. Lash, G. Lynch-Staunton, E. Martin, W. R. Riddell, C. H. Ritchie, C. Robinson, H. H. Strathy, G. H. Watson.

Reporting.—Messrs. Walter Barwick, J. J. Foy, D. Guthrie, W. D. Hogg, J. Idington, Z. A. Lash, G. Lynch-Staunton, S. G. McKay, W. D. McPherson, C. H. Ritchie, G. F. Shepley, R. T. Walkem, M. Wilson.

Discipline.—Messrs. Walter Barwick, R. Bayly, A. Bruce, J. J. Foy, W. D. Hogg, John Hoskin, W. Kerr, S. G. McKay, D. B. MacLennan, W. D. McPherson, C. Robinson, H. H. Strathy, G. H. Watson, W. R. White.

Library.—Messrs. A. B. Aylesworth, S. H. Blake, J. M. Glenn, J. Idington, G. Lynch-Staunton, W. Proudfoot, W. R. Riddell, C. H. Ritchie, C. Robinson, G. F. Shepley, G. H. Watson, M. Wilson.

Journals and Printing.—Messrs. A. B. Aylesworth, R. Bayly, A. Bruce, F. H. Chrysler, A. H. Clarke, J. J. Foy, G. C. Gibbons, J. M. Glenn, W. Kerr, D. B. MacLennan, W. R. White.

County Libraries.—Messrs. A. Bruce, F. H. Chrysler, G. C. Gibbons, D. Guthrie, J. Idington, W. Kerr, E. Martin, S. G. McKay, W. D. McPherson, H. H. Strathy, R. T. Walkem, M. Wilson.

Mr. W. H. Cross was appointed Auditor for the current year, ending the first day of Easter Term, 1904.

The Treasurer announced that Mr. James Vernal Tetzal, K.C., had been appointed on 16th May, 1903, a Judge of the Supreme Court of Judicature for Ontario and of the Common Pleas Division of the High Court of Justice in the place of the late Mr. Justice Lount, that he had been sworn in and taken his place on Tuesday 19th inst. It was ordered that a Special Call of the Bench be made for Tuesday, the 30th day of June, 1903, to elect a Bencher in the room of the Honourable Mr. Justice Tetzal, whose seat as member of Convocation had become vacant.

Convocation ordered that a minute be made expressing its participation in the general regret at the death of His Honour Sir Oliver Mowat, Lieutenant-Governor of Ontario, a Bencher of the Law Society, which event took place at Government House on Sunday, April 19th, 1903.

Convocation ordered a minute to be made relating to the career of the late Sir Oliver Mowat, who was born at Kingston, in this Province, on 22nd July, 1820.

He was called to the Bar of this Province in Hilary Term, 1841, and was elected a member of Convocation in Michaelmas, 1853. He was appointed one of Her Majesty's Counsel on 29th December, 1855. On the 7th February, 1856, he was appointed one of the Commissioners for the Consolidation of the Statutes of the Province of Canada. On 13th January, 1858, he was elected a member of the House of Assembly for the South Riding of the County of Ontario in the Sixth Parliament of the late

Province of Canada. On the 2nd August, 1858, he was appointed Provincial Secretary for the late Province of Canada as a member of the Brown-Dorion Government. He held office for two days when the Brown-Dorion Government resigned. He was re-elected for South Ontario on 4th September, 1858.

On 15th July, 1861, he unsuccessfully contested the City of Kingston for the Seventh Parliament, the Honourable John A. Macdonald, Q.C., having been returned, but at the same general election was returned as member for the South Riding of Ontario.

On 16th May, 1863, he entered the Sanfield Macdonald Government as Postmaster-General. On 3rd July, 1863, he was elected a member of the Eighth Parliament for the South Riding of Ontario. He continued to be Postmaster-General until the 21st March, 1864, he having resigned on the defeat of the Ministry at that time.

Later on, 30th June, 1864, in the same year, Mr. George Brown, Mr. Macdougall and himself joined in the formation of the Coalition Government under Sir E. P. Tache for the purpose of effecting the political union of British North America, Mr. Mowat taking office as Postmaster-General.

As a member of that Ministry and of the Quebec Conference which met on 10th October, 1864, and framed the constitution afterwards enacted by the Imperial Parliament, Oliver Mowat takes rank as one of the Fathers of Confederation.

On 14th November, 1864, he was appointed Vice-Chancellor of the Court of Chancery for that part of the Province of Canada formerly known as Upper Canada.

On 26th October, 1872, he retired from the Bench and was called by the Honourable W. P. Howland, Lieutenant-Governor, to form a Government for Ontario, he taking office as Attorney-General and representing in the Legislature the North Riding of the County of Oxford.

He continued to hold the office of Attorney-General and First Minister of the Province and to represent South Oxford for the period of 24 years, and until his acceptance of the office of Minister of Justice and Attorney-General of Canada as herein-after shewn.

As Attorney-General he again became a member of Convocation *ex officio*.

On the 25th May, 1892, he was created a Knight Commander of the Most Distinguished Order of St. Michael and St. George.

On the 13th July, 1896, he entered the Cabinet of the Honourable Wilfrid Laurier as Minister of Justice and Attorney-General for Canada and was called to the Senate of the Dominion of Canada on 15th July, 1896.

On 22nd June, 1897, on the completion of the sixtieth year of the reign of Her Majesty Queen Victoria he was appointed a Knight Grand Cross of the Most Distinguished Order of St. Michael and St. George.

On 18th November, 1897, he was appointed Lieutenant-Governor of Ontario, which office he held to the day of his death, which took place on 19th April, 1903.

It having been announced that the Honourable Thomas Robertson, a Judge of the Chancery Division of the High Court of Justice had retired from the Bench, it was ordered that the Committee on Journals and Printing do report to Convocation whether the Honourable Thomas Robertson is not by reason of such retirement an ex-officio Bencher of the Law Society under R.S.O. 1897, chapter 172, section 4.

Ordered upon motion of Mr. Shepley, seconded by Mr. Bayly, that the whole question of the expediency of admitting to the Bar of this Province any member of the Bar of some other Province upon his taking the office of Attorney or Solicitor-General for Canada, together with the terms upon which, if expedient, such admission should take place, be referred to the Committees on Journals and Printing and on Finance, acting jointly, with instructions to consider and report with a view to the framing of a settled policy by Convocation upon the subject.

Dr. Hoskin, on behalf of the Discipline Committee, presented the following two reports upon the charges of misconduct against Mr. W. F. Smith, which had been ordered for consideration to-day, as follows :

To the Benchers of the Law Society of Upper Canada :

The Discipline Committee to whom the complaint of Mary Ann Tefft of Chatham, widow, against Walter Frank Smith, a member of the said Society, was sent for investigation, beg to report as follows :—

1. That as to the charge of blackmail made by the said complainant against the said Walter Frank Smith the Committee considers that the evidence adduced by the complainant wholly fails to establish the complaint made, and the Committee recommend that that part of the complaint be dismissed.

2. That as to the rest of the charge or complaint made by the said Mary Ann Tefft, the Committee is of opinion that the evidence in support of the complaint is not so perfectly conclusive as to justify the Committee in finding that so serious a complaint has been proved, but while recommending also as it does the dismissal of the rest of the complaint, the Committee is compelled to say that, looking at the unsatisfactory nature of the respondent's evidence, they make such recommendation with a good deal of hesitation.

All of which is respectfully submitted.

To the Benchers of the Law Society of Upper Canada :

The Discipline Committee to whom the complaint of Celesten Blonde of Chatham against Walter Frank Smith, a member of the said Society, was sent for investigation, beg to report as follows :—

1. That as to the charge of blackmail made by the said complainant against the said Walter Frank Smith the Committee considers that the evidence adduced by the complainant wholly fails to establish the complaint made, and the Committee recommend that that part of the complaint be dismissed.

2. That as to the rest of the charge or complaint made by the said Celesten Blonde, the Committee is of opinion that the evidence in support of the complaint is not so perfectly conclusive as to justify the Committee in finding that so serious a complaint has been proved, but while recommending as it does the dismissal of the rest of the complaint, the Committee is compelled to say that, looking at the unsatisfactory nature of the respondent's evidence, they make such recommendation with a good deal of hesitation.

All of which is respectfully submitted.

The foregoing reports were adopted.

The reports of the Discipline Committee upon the complaint of Nancy Wilkinson against Mr. A. B., Mr. M. L. Grimmett against

Mr. C. D., Mr. Henry James against Mr. E. F., and Mr. R. R. Elliott against a solicitor whose name was not disclosed by the complaint, that in each case the Secretary had been instructed to write and inform the complainant that the subject of the complaint is not a matter into which the Law Society can enquire, at least until all ordinary remedies are exhausted, as if aggrieved, the complainant has a remedy at law and the Courts are open for that purpose, were in each case received and adopted.

The reports of the Discipline Committee upon the complaint of Mr. G. L. McCaul and others against Mr. A. H. Jackson, an unqualified person, and the firm of G. H. and others, that the Committee are of the opinion that no action can be taken by them in the premises and that the Secretary had been directed to so inform the complainants, and upon the complaint of Mr. F. L. Pearson against Mr. H. L. Chapman, an unqualified person, and Mr. J. K., that the Secretary had been directed to write the complainant that it does not appear that Mr. Chapman did prepare papers for use in the Surrogate Court, were in each case received and adopted.

Ordered that Messrs. Ernest Crombie Mackenzie and John Young Murdoch, who are solicitors of over ten years' standing, be called to the Bar in pursuance of R.S.O., c. 173, section 2.

Convocation ordered that it be referred to the Committee on Journals and Printing to consider the propriety of framing rules under section 2 of R.S.O. cap 173.

The correspondence with the Hon. Minister of Militia in reference to the impropriety of firing Artillery salutes from the parade ground of the Toronto Armouries, north of Osgoode Hall grounds, was laid on the table, concluding with the following letters :—

Department of Militia and Defence,
Ottawa, 22nd April, 1903.

Sir,—

With reference to your letter to the Honourable the Minister of Militia and Defence of the 15th instant, I have the honour to inform you that upon the receipt of your former letter reporting the annoyance caused to the Law Society of Upper Canada by the firing of Artillery Salutes near the Toronto Armouries, steps were taken to prevent a recurrence of the annoyance.

Instructions were given to establish a Saluting Battery at the Old Fort, Toronto, and as soon as the necessary work has been completed orders will be given to fire all artillery salutes from that Battery instead of from the vicinity of the Drill Hall, which change I have no doubt will be satisfactory to your Society.

I have the honour to be, Sir,

Your obedient servant,

L. J. PINAULT,

Deputy Minister of Militia and Defence.

OSGOODE HALL, 28th April, 1903.

COL. L. J. PINAULT,

Deputy Minister of Militia and Defence, Ottawa :

Sir,—

I have the honour to acknowledge receipt of your letter of the 22nd inst.

I am directed to say that the measures indicated in it are quite satisfactory to the Law Society and to express the Society's cordial appreciation of the courtesy of the Minister of Militia.

I have the honour to be, Sir,

Your most obedient servant,

HERBERT MACBETH,

Sec'y L. S. U. C.

The letter dated 18th February, 1903, from Messrs. T. T. Rolph and E. B. Brown was read, requesting Convocation to grant a sum of \$500 to enable them to carry on the publication of the "Weekly Reporter" for the current year. Convocation declined to make the grant, being of opinion that the application should not be entertained.

Mr. H. E. McKee, who had been ordered for call last Term, and Mr. E. C. Mackenzie, who had been ordered for call to-day, were introduced and called to the Bar.

The following notice was read to Convocation and the subject matter thereof referred to the Committee on Journals and Printing to acknowledge receipt of the Rule and with a request to report to Convocation on or before the 5th June if practicable.

IN THE SUPREME COURT OF JUDICATURE.

At a meeting of Judges of the Supreme Court of Judicature held on Saturday, the 4th of April, 1903, the following proposed Amendment to Consolidated Rule 881 was submitted, viz.:

That Consolidated Rule 881 be repealed and the following substituted therefor :—

881. Before the sale of lands under a writ of fieri facias the Sheriff shall publish once, three months before the sale, an advertisement of sale in the Ontario Gazette specifying :

- (a) The particular property to be sold.
- (b) The names of the plaintiff and defendant.
- (c) The time and place of the intended sale.

(d) The name of the debtor whose interest is to be sold, and he shall in each week for four weeks next preceding the sale also publish such advertisement in a public newspaper of the County in which the lands lie, and he shall also for three months preceding the sale put up and continue a notice of such sale in the office of the Clerk of the Peace and on the door of the Court House or place in which the General Sessions of the Peace of the County or District is usually holden, but nothing herein contained shall be taken to prevent an adjournment of the sale to a future day.

(Sgd.) JAMES S. CARTWRIGHT,
Clerk.

Friday, 22nd May.

Present : The Treasurer and Messrs. Aylesworth, Guthrie, Shepley and Strathy.

The minutes of the meeting of Convocation held yesterday, 21st May, were read and confirmed.

Ordered on motion of Mr. Strathy, seconded by Mr. Guthrie, that a Committee composed of the Treasurer and Messrs. Guthrie, Lash and Watson wait on the Attorney-General to ask his consideration of section 3, sub-section 3, of Bill No. 112, respecting Municipal Taxation, now before the Legislature, in so far as it may affect the Law Society Buildings as an educational institute, and also that the said Committee do take such other steps as they may consider expedient in the premises.

Mr. J. Y. Murdoch, who was ordered for Call yesterday, was then introduced and called to the Bar.

Friday, 5th June, 1903.

Present : The Treasurer and Messrs. Aylesworth, Barwick, Bruce, Chrysler, Clarke, Hoskin, Martin, McPherson, Ritchie and Wilson.

The report of the Joint Committee composed of the Finance

and Reporting Committees in relation to the letter of Mr. George S. Holmsted to the Treasurer, dated 12th December, 1902, was presented as follows :—

The Joint Committee composed of the Finance and Reporting Committees, to whom Convocation on the 5th February, 1903, referred the letter of Mr. George S. Holmsted, dated 12th December, 1902, asking whether the Law Society would be prepared to consider any proposal to become responsible for the publication of an edition of the Judicature Act and Rules, as prepared by Messrs. Holmsted and Langton, begs to report :—

That the Committee is of opinion after consideration of the proposal that it is not desirable to take any action in the premises.

Ordered for immediate consideration and adopted.

Mr. Martin from the Joint Committee composed of the Finance and Journals Committees, appointed on the 21st day of May, 1903, presented the following report :—

The Joint Committee composed of the Finance Committee and Journals Committee, to whom on the 21st day of May, 1903, Convocation referred the question of the expediency of admitting to the Bar of this Province any member of the Bar of some other Province upon his taking the office of Attorney or Solicitor-General, together with the terms upon which, if expedient, such admission should take place, begs to report :—

That in the opinion of your Committee the answer to the question submitted by Convocation to your Committee largely depends upon whether or not the Bars of all the other Provinces are willing to concur in some uniform practice ; and your Committee recommends that Convocation cause communication to be had with the Bars of the other Provinces, and that further action be deferred until full information upon the whole subject is available.

Ordered for immediate consideration and adopted. Ordered further that the Secretary do open correspondence as in the report indicated with the object of obtaining the information thereby required.

Mr. Lash was elected as representative on the Senate of the University of Toronto for the ensuing year.

Ordered upon a report of the Legal Education Committee that the following gentlemen be called to the Bar and do receive their certificates of fitness :—Messrs. R. V. Le Sueur, E. P. Flintoft, H. A. Rose and D. J. Thom (with honours), also Messrs. P. A. Greig, R. S. Waldie, H. P. Hill, A. C. Hill, H. S. Hewitt, R. E. M. Meighen, E. S. Fraser, W. E. Smith, W. T. Detlor, R. S. Colter. That Mr. R. D. Hume be called to the Bar. That the service of Mr. F. E. Brown be allowed as sufficient and that he be called to the Bar and do receive his certificate of fitness. That the following gentlemen be allowed their second-year examination :—

G. M. Clarke, W. M. Martin, D. A. Macdonald, A. F. Aylesworth, F. M. Burbidge, N. G. Heyd, J. M. Ferguson, A. D. George, with honours ; also J. R. Green, W. S. Lane, C. V. Bennett, F. D. Hogg, D. B. Kerr, F. Babe, F. R. MacKelcan, E. P. Brown, E. J. Stewart, J. T. Mulcahy, J. E. Robertson, G. B. McConachie, W. J. Hanley, W. H. Price, J. A. Horning, A. A. Ballachy, H. B. Johnson, A. A. Winter, J. B. Bartram, M. G. Hunt, E. F. Gibson, W. G. Mahaffy, W. Johnston, J. B. Coyne, D. G. M. Galbraith, E. E. Wallace, J. H. Hancock, J. E. Swinburne. That Mr. Clarke do receive a scholarship of \$100, Mr. Martin one of \$60, and Messrs. Macdonald, Aylesworth, Burbidge, Heyd, and Ferguson each one of \$40.

That the following gentlemen be allowed their first-year examination :—

G. W. Mason, T. J. Agar, G. B. O'Connor, M. G. Powell, G. S. Hodgson, P. G. Price, L. Monohan, J. W. Mitchell, M. A. Macdonald, with honours ; also G. S. Gibbons, J. R. Marshall, J. W. Macdonald, S. G. Crowell, F. J. Johns, G. G. Albery, R. L. Brackin, J. F. H. McCarthy, J. A. Ogilvie, R. D. Stratton, J. A. Soule, B. W. Collison, H. P. Blackwood ; F. H. Honeywell, J. A. Kinney, equal ; T. N. Phelan, C. H. Maclaren, F. A. Day, H. J. Symington, W. G. Blackstock (subject to allowance of lectures), H. S. White, A. A. Magee, T. H. Wilson, G. F. McFarland, J. R. Bell, A. R. Cochrane, H. S. Lees, C. A. Wright, A. D. Armour, E. W. McKenzie, W. W. Denison, F. W. Lundy. That Mr. Mason do receive a scholarship of \$100, Mr. Agar one of \$60, and Messrs. O'Connor, Powell, Hodgson, Price, and Monohan each one of \$40.

The following gentlemen having been ordered for Call to the Bar were introduced and called to the Bar :—

Messrs. Richard Vryling Le Sueur, Edward Percy Flintoft, Hugh Alexander Rose, Douglas John Thom — with honours. Also, Messrs. Robert Stanley Waldie, Robert Donaldson Hume, Hamnet Pinhey Hill, Alexander Christie Hill, Harold Samuel Hewitt, Robert Ernest Muir Meighen, Frank Erichsen Brown, Ernest Stanley Fraser, William Edson Smith, Richard Samuel Colter.

Mr. Bruce, from the Committee on Journals and Printing, presented the following report in relation to the question of the amendment of Rule 881 of the Consolidated Rules of Court, proposed by the Hon. the Judges of the Supreme Court of Judicature, which had on the 21st May been referred by Convocation to the said Committee.

The Committee on Journals and Printing report :—

That they have considered the change of Rule 881 as to Sheriff's sales of lands submitted by the Judges and respectfully suggest that the said Rule should be amended so as to read as follows :—

881. Before the sale of lands under a writ of fieri facias the Sheriff shall publish once, three months before the sale, an advertisement of sale in the Ontario Gazette specifying :—

- (a) The particular property to be sold.
- (b) The names of the plaintiff and defendant.
- (c) The time and place of the intended sale.

(d) The name of the debtor whose interest is to be sold, and he shall, once in each week for four weeks next preceding the sale, also publish such advertisement in a public newspaper of the County or District in which the lands lie, and shall also for three months preceding the sale put and continue a notice of such sale in the Sheriff's office and in a public place in one of the halls of the Court House Building or place in which the General Sessions of the Peace of the County or District is usually holden, but nothing herein contained shall be taken to prevent an adjournment of the sale to a future day.

It shall be the duty of the Sheriff to procure a statutory declaration in proof of such publication, putting up and con-

tinuance of such notice and furnish the same to the purchaser with his deed, and if such declaration be filed in the Registry Office, it shall be deemed conclusive evidence of the facts therein stated unless called in question within one year from such filing.

The Committee suggest that a notice put up in the office of the Clerk of the Peace is not likely to be seen, and that the expression "on the door of the Court House" is uncertain and that a notice if put up on such door is not likely to remain during the period of three months, and further that as the putting up and continuing of such notice would under the amendment be imperative, some mode of establishing evidence thereof becomes necessary.

Ordered for immediate consideration and adopted, and ordered that the resolution be forwarded to Mr. J. A. MacAndrew, Clerk of the Supreme Court of Judicature, for communication to the Honourable the Judges of the Supreme Court of Judicature.

Mr. McPherson, on behalf of the Special Committee appointed in Easter Term, 1901, in regard to conveyancing by parties who are not members of the legal profession, presented the following report :—

That arrangements have been made regarding the presentation and forwarding of the draft bill in relation to conveyancing by others than solicitors.

That the hope is expressed that the bill will be favourably received on both sides of the House.

Tuesday, 30th June, 1903.

Present : The Treasurer and Messrs. Barwick, Gibbons, Glenn, Hoskin, Idington, Lash, Martin, Mackay, McPherson, Riddell, Ritchie, Shepley, Strathy, Watson and Wilson.

Dr. Hoskin, from the Discipline Committee, then presented its report upon the complaints of Mr. M. J. Gorman, K.C., and of the Peterborough Law Association against Mr. R. A. Bayly, Barrister and Solicitor, which had been on the 5th day of February, in Hilary Term last, referred to the said Committee for investigation, and report in the usual manner according to the Rules of the Society, as follows :—

The Discipline Committee, to whom the complaints of M. J. Gorman, Esq., K.C., and of the Peterborough Law Association against R. A. Bayly, Esq., barrister and solicitor, and a member of the Law Society of Upper Canada, were sent by Convocation for investigation, beg to report as follows :—

The Secretary of the said Law Society of Upper Canada received from the said M. J. Gorman a letter, dated the 19th December, 1902, which is in the words following :—

“Ottawa, Ont., Dec. 19th, 1902.

“HERBERT MACBETH, Esq.,

“Secretary, Law Society, Toronto :

“Dear Sir,—

“The enclosures were received by a client of mine here this morning through the mail. If you think they are proper to be laid before the Benchers, please do so.

“Yours truly,

“M. J. GORMAN.”

The said secretary also received a letter from the secretary of the said Peterborough Law Association, dated the 13th day of January, 1903, which is in the words following :—

“PETERBOROUGH, Ont., 13th Jan., 1903.

“Dear Sir,—

“I enclose a circular signed by R. A. Bayly of London, re Succession Duty, which has been sent to a number of clients of several solicitors of our town. The matter was brought before the Law Association yesterday, and I was instructed to bring the matter to your attention, with the view that the Society should take what action they deem wise about it.

“Yours truly,

“J. W. BENNETT, Secy. P.L.A.

HERBERT MACBETH, Esq., Secretary Law Society, Osgoode Hall, Toronto.”

The letter written and circulated by Mr. Bayly, and in the said two letters referred to, is in the words following :—

"London, Ont., Nov. 27th, 1902.

"RE SUCCESSION DUTY.

"Dear Sir,—

"In the preparation of your will, one of the chief points, to which your solicitor will direct your attention, will be the question of 'Succession Duty,' which is now payable on all large estates. The proportion of this tax, to which your estate will be liable, depends very largely upon the manner in which you may dispose of your property.

"I have made a most careful study of our Provincial Acts relating to this tax, and am the author of the only Canadian text book on the subject. I am prepared to advise, as a specialist, on all questions relating to Succession Duty.

"An expert opinion may result in a large saving to your estate. Your own solicitor can't afford the time to analyze the Acts and amendments enforcing this tax as I have done, and I claim, therefore, to be better able to give you sound advice on this one subject.

"Let me make suggestions to him before he prepares your will.

"Your truly,

"R. A. BAYLY."

And with the said circular letter was received a card, which reads as follows:—

R. BAYLY, K.C.

R. A. BAYLY, LL.B.

Author of

"Succession Duty in Canada."

BAYLY & BAYLY,

Barristers, Solicitors, Etc.

London, Ont.

Solicitors for Agricultural S. & L. Co.

The said letters from Mr. Gorman and the secretary of the Peterborough Law Association were, in pursuance of the rules of the Society, sent by the Secretary to the Chairman of the Discipline Committee, who thereupon instructed the secretary to write, and who did write, to Mr. Gorman and the secretary of the Peterborough Law Association, to the following effect:—

“In reference to your communication of the 19th Dec., in
 “which you enclose a circular sent out by Mr. R. A. Bayly, I beg
 “to enclose a copy of the rule relating to matters of discipline,
 “and I am directed to draw your attention to the requisite (see
 “lines 4 and 5) of fying a complaint in writing. Will you kindly
 “let me know at once whether, in your opinion, your letter ac-
 “companied by the circular may be considered as a compliance
 “with the rule.”

And in reply the following letters were received:—

“Ottawa, Ont., Jan. 21st, 1903.

“HERBERT MACBETH, Esq.,

“Secretary Law Society, Toronto:

“RE BAYLY.

“Dear Sir,—

“Yours of the 19th, just received, and in reply I beg to say
 “that I consider my letter to you, of 19th ult., and the enclosure
 “therein, as a sufficient complaint under the rule of the Society,
 “upon which they may act if they see fit. I presume there will
 “be no denial of the fact that the circular was sent, but of course
 “the committee will have to decide whether it was unprofes-
 “sional of not.

“Yours truly,

“M. J. GORMAN.”

Peterborough, 21st Jan., 1903.

“Dear Sir,—

“I have your favor of the 19th inst. I fancy the letter
 “written you will be a sufficient complaint within the rules.
 “However, as our association does not wish to appear before the
 “Discipline Committee to furnish evidence in support of the
 “case, we think the circular speaks for itself on that score.

“The association were under the impression that the Society
 “would on its own account look after the interests of the pro-
 “fession in the matter, and thought that all that was necessary
 “was to bring it to their attention.

“Yours truly,

“J. W. BENNETT, Secy. P.L.A.

“HERBERT MACBETH, Esq., Secy. Law Society, Osgoode Hall,

“Toronto, Ont.”

On the 5th day of February, one thousand nine hundred and three, the Discipline Committee met to consider the said complaints, and reported to Convocation that a *prima facie* case had been shewn, which report was adopted, as will appear by the Minute Book, which contains the following entry :—

“In the matter of the complaints of M. J. Gorman, K.C., and
“of the Peterborough Law Association, against Mr. R. A. Bayly,
“barrister and solicitor, the Discipline Committee presented the
“following report:—

“That they have considered the complaints above referred to,
“and are of opinion that a *prima facie* case has been shewn.
“Ordered that the report be taken into consideration and the
“same was adopted and it was ordered accordingly that the
“complaints be sent to the Discipline Committee for investiga-
“tion and report in the usual manner according to the rules of
“the Society.”

On the 9th day of February, one thousand nine hundred and three, the Secretary of the Law Society wrote to Mr. Bayly to this effect:—

“9th Feb., 1903.

“R. A. BAYLY, Esq.,
“Barrister, London :

“Dear Sir:—

“I enclose notice of complaints made by the Peterborough
“Law Association and M. J. Gorman, K.C., against you. Kindly
“admit service on the original notice and return same to me.

“Yours truly,

“HEBERT MACBETH,
“Secretary.”

Which notice, enclosed in this last-mentioned letter, reads as follows:—

“In the matter of the complaint made to the Benchers of the
“Law Society of Upper Canada by the Peterborough Law
“Association and by M. J. Gorman, Esq., K.C., against R.
“A. Bayly, Esq., Barrister, London, Ont.:

“Sir,—

“I am instructed by the Discipline Committee of the Law
“Society of Upper Canada to inform you that the Peterborough

"Law Association and M. J. Gorman, Esq., K.C., of Ottawa, have
 "each lodged with the Benchers of the Law Society of Upper
 "Canada a complaint against you in respect of a letter purport-
 "ing to have been written by you, and to have been sent by you
 "to several persons in the Province of Ontario, which reads as
 "follows :—

" 'London, Ont., Nov. 27th, 1902.

" 'RE SUCCESSION DUTY.

" 'Dear Sir,—

" 'In the preparation of your will, one of the chief points to
 " 'which your solicitor will direct your attention, will be the
 " 'question of "Succession Duty," which is now payable on all
 " 'large estates. The proportion of this tax, to which your es-
 " 'tate will be liable, depends very largely upon the manner in
 " 'which you may dispose of your property.

" 'I have made a most careful study of our Provincial Acts
 " 'relating to this tax, and am the author of the only Canadian
 " 'text book on the subject. I am prepared to advise, as a spe-
 " 'cialist, on all questions relating to succession duty. 47

" 'An expert opinion may result in a large saving to your
 " 'estate. Your own solicitor can't afford the time to analyze
 " 'the Acts and amendments enforcing this tax, as I have done;
 " 'and I claim, therefore, to be better able to give you sound ad-
 " 'vice on this one subject.

" 'Let me make suggestions to him before he prepares your
 " 'will.

" 'Yours truly,

" 'R. A. BAYLY.'

" 'I am also instructed by the said Discipline Committee to in-
 " 'form you that the said Benchers in Convocation have found that
 " 'a *prima facie* case of professional misconduct on your part has
 " 'been shewn in respect of the said matters herein, and that the
 " 'said complaints have been sent by Convocation to the Disci-
 " 'pline Committee for investigation, in accordance with the Rules
 " 'of the said Law Society.

" 'And I am further instructed by the said committee to call
 " 'upon you to answer the said complaints in writing and to for-
 " 'ward your answer to me on or before the 24th day of February,
 " '1903.

" 'I am, sir,

" 'Your obedient servant,

" 'HERBERT MACBETH,

" 'Secretary of the Law Society of Upper Canada.

" 'Dated at Osgoode Hall, this 9th day of February, 1903.

" 'To R. A. Bayly, Esq., Barrister, London, Ont."

In answer to which letter of the 9th February, Mr. Bayly wrote to the secretary as follows:—

“London, Canada, 11th Feb. 1903.

“H. MACBETH, Esq.,

“Secretary Law Society, Toronto:

“Dear Sir,—

“I have yours of yesterday, enclosing copy of my letter of “27th Nov., 1902, re Succession Duty, and stating that complaint “has been filed against me in respect thereof by Peterborough “Law Association and M. J. Gorman. I beg to return copy of “document with service admitted. Might I ask you to send me “copies of the formal resolution of the Peterborough Law As- “sociation, making the complaint and of the letter accompanying “same, also copy of Mr. Gorman’s complaint. I presume the “complainants are prepared to prove that some particular per- “sons received these letters from me. Kindly let me know the “names of the parties alleged to have received the particular “letters complained of and oblige,

“Yours truly,

“R. A. BAYLY.”

And thereupon certain correspondence took place between Mr. Bayly, the secretary and the chairman of the Discipline Committee, to the following effect:—

14th Feb’y, 1903.

“R. A. BAYLY, Esq.,

“Barrister, London:

“Dear Sir,—

“In answer to your letter of the 11th inst., I am directed by “the Discipline Committee of the Law Society to send you “copies of the letters of the Secretary of the Peterborough Law “Association, dated 13th and 21st Jan., respectively, and of the “letters of Mr. M. J. Gorman, K.C., dated the 19th Dec., 1902, “and the 21st Jan., 1903, respectively.

“As to the resolution of the Peterborough Law Association, “to which you refer in your letter, you should apply to the sec- “retary of that association direct, as no copy has been received “by the Law Society.

“I am further directed to say that the names of the persons “to whom the circular letter has been sent have not been sub- “mitted to the Law Society, but the Discipline Committee see

“no reason why you should not yourself apply to Mr. Gorman
 “or to the secretary of the Peterborough Law Association for
 “this information.

“As it appears that a word (‘purporting’) has been omitted
 “from the notice of complaint sent to you, I have interlined the
 “word at the proper place in the original notice, and enclose it
 “with a copy; kindly admit service of amended notice and re-
 “turn same to me.

“Yours truly,

“HERBERT MACBETH,
 “Secretary.”

“London, Canada, 11th Feb., 1903.

“H. MACBETH, Esq.,
 “Toronto:

“Dear Sir,—

“Would you please send me a copy of the Rules of the Law
 “Society at your earliest convenience. They may possibly have
 “some bearing upon my case.

“If I am expected to put in a defence by 24th inst., I must
 “ask you to let me have the Rules at once. I suppose any soli-
 “citor is entitled to a copy on application.

“Yours very truly,

“R. A. BAYLY.”

“London, Canada, 18th Feb, 1903.

“JOHN HOSKIN, Esq., K.C.,
 “Toronto:

“Dear Sir,—

“I beg to enclose you, as chairman of Discipline Com.
 “of Law Society, a copy of a letter which I have just mailed to
 “the secretary. I am sending you this copy in order that my
 “requests may be considered in time to allow me to put in my de-
 “fence by 24th inst., should the committee refuse to extend the
 “time.

“Your truly,

“R. A. BAYLY.”

London, Canada, 18th Feb., 1903.

“H. MACBETH, Esq.,
 “Osgoode Hall, Toronto:

“Dear Sir,—

“I beg to acknowledge yours of 14th inst with copies of let-
 “ters from M. J. Gorman and ‘Peterborough Law Association,’
 “re Succession Duty letter.

"I notice that neither Mr. Gorman nor the Association do more than call the attention of the society to my letter. The Association is particular to state that they do not wish to appear before the Discipline Committee. Neither of the parties objecting charge me with professional misconduct as defined by the Act (see Rule 90).

"I assume, therefore, that, as no charge under Rule 90 has been preferred against me, the Society itself has become the prosecutor, as Convocation has already found me *prima facie* guilty of professional misconduct, without insisting on a specific charge, as provided by the said rule.

"Under sub-section 3 of Rule 90 I am entitled to 'a copy of the complaint,' meaning a copy of the complaint in writing charging me with professional misconduct as provided by Rule 90. As the parties objecting to my letter have made no such complaint, you could not, of course, comply with this provision. But, as the society are themselves prosecuting, and are not bound by Rule 90, they have served me with a document in the form of a letter from yourself setting forth that Mr. Gorman and the Peterborough Law Association have *each lodged with the Benchers a complaint against me in respect of my letter, and that convocation have found a prima facie case of professional misconduct on my part "in respect of the matters herein,"* and you finally call upon me *"to answer the said complaints"* in writing by 24th inst.

"Neither the society nor the parties objecting have specified any complaints whatever in respect of my letter. You have simply sent me a copy of it, and have told me that complaints *in respect of it* have been lodged with the Benchers.

"I submit that I cannot *'answer the said complaints'* when I am left to guess what they may be. The Discipline Committee surely do not intend that I shall myself think of every objection which might be raised by a member of the profession to such a letter, and then answer the objections I have myself suggested.

"When I composed and mailed this letter I thought that it was not objectionable in any way. I am entirely at a loss still to understand in what respect the letter renders me liable to the severest penalty the society can inflict. Had I considered that its mere production proved me guilty of "professional misconduct," it never would have been writtten. From my point of view, it is not even an infringement of professional etiquette.

"However, some objection to the letter has occurred to Mr. Gorman and others, which did not strike me, and I submit that

"I am entitled to have these objections specified by the Society
 "(as they are the prosecutors), in order that I may combat them
 "if I am able.

"In all cases under Rule 90, the particulars of the charge
 "must be given and the party complained against is entitled to
 "have the fullest particulars of the complaint. I submit that I
 "am entitled to the same consideration. The charge against me
 "involves the same penalty as I would be liable to had I been
 "guilty of any of the usual offences with which solicitors are
 "charged *by the public*, and I submit that the society should in
 "justice to me state specifically their objections to my letter, so
 "that I may know what to meet in my defence.

"I submit also that I am entitled to look to the Society (as
 "the prosecutors) for a copy of the Resolution of the Peter-
 "borough Law Association, and for the names of the persons al-
 "leged to have received these letters from me.

"As so much time has been occupied already in prelimi-
 "naries, it will be necessary for me to ask the Committee to grant
 "me an extension of the time allowed to put in my defence.

"I would request that the time be extended for two weeks
 "after the time when I am served with particulars of the com-
 "plaint.

"Yours truly,

"R. A. BAYLY."

21st Feb., 1903.

"R. A. BAYLY, Esq.,

"Barrister, London :

"Dear Sir,—

"I am in receipt of your letter of the 18th inst., which I
 "should have acknowledged before.

"The secretary of the Law Society brought to me your letter
 "to him, and I of course told him that I would grant you the
 "additional time for which you ask.

"Believe me to be,

"Yours very truly,

"JOHN HOSKIN."

"London, Canada, 23rd Feb., 1903.

"Dear Sir,—

"I beg to acknowledge yours of 21st inst., and must thank you
 "for the extension of time granted.

"You do not, however, refer to my request for specified ob-
 "jections to my letter. I asked for an extension of two weeks

"from the time I receive these. Unless the committee deal with
 "this matter at an early date, it may even be necessary to ask for
 "a further extension, as I can do nothing in the meantime.

"Yours truly,

"R. A. BAYLY."

"19th Feb., 1903.

"R. A. BAYLY, Esq.:

"In answer to yours of the 18th, I beg to say that the chair-
 "man of the Discipline Committee has directed that the time
 "for putting in your answer to the complaints referred to be
 "extended for two weeks.

"Yours truly,

"HERBERT MACBETH, Secretary."

2nd March, 1903.

"R. A. BAYLY, Esq.,
 Barrister, London:

"Sir:—

"I am directed by the Discipline Committee of the Law So-
 "ciety of Upper Canada to acknowledge your communication of
 "the 23rd February, and to inform you that the committee has,
 "upon consideration of your request, resolved as follows:—

"That the correspondence (with a copy of which Mr. R. A.
 "Bayly has been furnished) contains a complaint of which they
 "should take cognizance, namely, that it consists in the charge
 "that the writing and sending letters to which their at-
 "tention has been directed constitutes an act of professional
 "misconduct or of conduct unbecoming a barrister or solici-
 "tor and that the committee are of opinion that specified ob-
 "jections as asked by Mr. R. A. Bayly are neither practicable
 "nor requisite."

"I am also to inform you that the appointment for the 10th
 "of March, limited as the time for sending in your answer to the
 "complaint as communicated to you in my letter of the 19th
 "Feb., is to stand for the said 10th day of March unless you
 "forthwith apply for a further extension. I remain,

"Your obedient servant,

"HERBERT MACBETH, Secretary."

"London, Canada, 5th March, 1903.

"H. MACBETH, Esq.,
 Secy. Law Society, Toronto:

"Dear Sir,—

"I beg to acknowledge yours of 2nd inst., with a copy of the
 "resolution of the Discipline Committee refusing my request

“for particulars of the complaint against me. I have carefully
 “noted the wording of the resolution of the committee, which
 “was no doubt prepared and passed after a full discussion of
 “my request for particulars. The committee concluded *that it*
 “*was not practicable* to specify objections to my letter. This
 “appears to me to be an extraordinary admission, in view of the
 “fact that Convocation (upon the mere production of my letter)
 “found me *prima facie* guilty of professional misconduct. Is it
 “not equivalent to a confession that, although in their opinion,
 “the letter itself condemns me, it is not practicable to state any
 “specified objections to it? *If the committee are unable to state*
 “*the objections*, is it fair to expect me to guess at them, and then
 “to try and answer them? Apparently that is their opinion,
 “since they have further resolved that it is *not requisite* for them
 “to specify the objections. That the committee may fully ap-
 “preciate the difficulty I have in answering the very indefinite
 “charge which the Society have preferred against me, I have at-
 “tempted to think of a few of the objections which might be
 “taken to such a letter as mine. The following occurred to me,
 “viz. :—

“1. Is it claimed that the statements in my letter are false?

“2. If not false, are they misleading or in any way injurious
 “to the public?

“3. If it is admitted that the statements are true and not
 “misleading, and that the public have suffered no injury at my
 “hands, then is it claimed that the profession has suffered an
 “injury by reason of my letter?

“4. Is it claimed broadly that a solicitor must not announce
 “himself *to the public* as a specialist on any branch of the law?
 “He may apparently make such an announcement *to the pro-*
 “*fession with impunity.*

“5. Or is it admitted that he may so announce himself to the
 “public, but not in the way I have chosen?

“6. Is it claimed that my letter is a breach of any rule of
 “the society, or only an infringement of that more indefinite
 “code, known as professional etiquette?

“I regret exceedingly that the action of the committee has
 “made it absolutely necessary for me to seek the protection of
 “the Courts.

“I deny that I have been guilty of any professional miscon-
 “duct; and, for the sake of my reputation, I prefer to have the
 “matter discussed in public, rather than behind the closed doors
 “of Convocation, because only by a public trial will the public
 “know that I am not charged with professional dishonesty or
 “with any offence against the public.

“The Law Society occupy an unusual position in this instance, viz.:

“1. They are the prosecutors.

“2. They are the judges.

“And (3) the members each have or may have a personal interest in the matter at issue.

“This is, in my judgment, an entirely illogical position for Convocation to occupy, and I have no doubt that for that reason they will be quite willing that their complaint against me should be (as I propose it shall be) relegated to the courts.

“Kindly let me know at once the name of the solicitor who will accept service of process on behalf of the Law Society, and oblige,

“Your truly,
“R. A. BAYLY.”

“7th March, 1903.

“R. A. BAYLY, Esq.,

“Barrister at Law, London:

“Dear Sir,—

“Your letter of the 5th inst. was duly received; and in reply to your request to let you know at once the name of the solicitor who will accept service of process on behalf of the Law Society, I am directed to inform you that any process which you are advised to issue against the Law Society will have to be served according to the ordinary practice.

“Yours truly,

“HERBERT MACBETH,
“Secretary.”

At a meeting of the Peterborough Law Association, held on 5th May, 1903, the following resolution was passed:—

Moved by D. W. Dumble, seconded by R. E. Wood,

“That, inasmuch as one R. A. Bayly, a member of the legal profession in Ontario, has issued and sent out circular letters to divers people in this Province, a copy of which circular is annexed hereto, and which the Association deems a breach of professional etiquette and derogatory to the honour of the profession, the secretary of this association is hereby authorized in the name of the Peterborough Law Association, to formulate a complaint against the said R. A. Bayly, and to present it

“for adjudication before the Law Society of Upper Canada.”
Carried.

Certified a true extract from the minutes of the Peterborough Law Association by

(Sgd.) J. W. BENNETT,
Secretary Peterborough Law Association.

On the 24th day of April last the Discipline Committee met, when the following order was passed :—

The Chairman was instructed by the Committee to have counsel informed of the evidence necessary to sustain the charges which had been made in this matter, and that upon the report of such counsel the committee do proceed in taking steps to bring the matter to a hearing.

Upon which the chairman put himself in communication with Mr. Hamilton Cassels, K.C., and on the 6th day of May, 1903, the said committee again met and appointed the 20th day of May, 1903, on which to proceed with the investigation, of which the complainants and Mr. Bayly were duly notified. The said committee instructed Mr. Cassels to act as counsel.

Up to this time Mr. Bayly had not filed with the secretary his answer to the said complaints, nor did he do so until the day before that appointed for proceeding with the investigation, when he filed his answer, with certain objections to procedure, which are as follows :—

OBJECTIONS TO PROCEDURE.

(1) No foundation has been laid for this investigation. Rule 90 requires a written complaint, charging misconduct as defined by the Act. The letters of the complainants do not comply with Rule 90, as they do not charge misconduct under the Act, but (if anything) unprofessional conduct or breach of etiquette. The only complaints which the society have power to investigate are those charging misconduct under the Act. In the notice served on me by the society it is not stated that the complaint against me charges such misconduct; and, as a matter of fact, the complainants do not make such a charge, and there is nothing to show that they were prepared to do so. I have been served with the letters forming the complaints, and I say that they do not disclose any charge of misconduct as defined by the Act.

(2) There is no provision in the by-laws of the society for a prosecution by the society itself. They are to be judges, but not prosecutors also.

(3) The charges are not sufficiently specific. The complainants must make specific charges setting forth in what respect the letter complained of shews misconduct under the Act. Upon being asked for particulars of the complaints, the society resolved as follows: "That the correspondence (with a copy of which Mr. R. A. Bayly has been furnished) contains a complaint of which they should take cognizance; namely, that it consists in the charge that the writing and sending letters to which their attention has been directed, constitutes an act of professional misconduct or of conduct unbecoming a barrister or solicitor; and that the committee are of opinion that specified objections as asked for by Mr. R. A. Bayly are neither practicable nor requisite."

(4) This resolution of the Society attempts to extend the charge against me by propounding for the first time an alternative charge of conduct unbecoming a barrister or solicitor.

(5) The society admit by the above resolution that it is not practicable to specify the objections to my letter.

(6) Convocation have found a *prima facie* case of "professional misconduct" against me, not of "conduct unbecoming a barrister or solicitor." I claim that this committee can only investigate the charge in the form in which it is sent to them by Convocation and cannot alter the charge. The offences are separate and distinct and of equal gravity, the penalty being the same for each.

The defence sent to the secretary of the Society herewith is made subject to these preliminary objections.

R. A. BAYLY.

London, 18th May, 1903.

Owing to the refusal of the society to define exactly the alleged objections to my letter of 27th November last, re Succession Duty, it will be necessary for me to try to think of every possible objection that might be suggested, and to answer same to the best of my ability. My argument must, of necessity, be more prolonged than would have been the case had certain specific objections been alleged.

Let me first state briefly the circumstances which lead up to my writing and sending the letter in question, which, of course, I do not deny. For the past ten years I have given a large portion of my spare time to the study of "*Succession Duty*." In 1893 (a year after the introduction of the tax into this Province) I published my first treatise on the subject in the Can. Law

Journal. Subsequently I edited an article on the same subject in Snow's Legal Compendium (Montreal), which article was issued later in pamphlet form, most of the pamphlets being sold to the Ontario Government. In January, 1902, I published (through the Carswell Co.) a 450 page book entitled "Succession Duty in Canada," which is the only Canadian text book on the subject. In the preparation of this work I spent a great deal of my time and money, and I have collected a good library of authorities dealing with this tax.

Succession duty has not proved a popular subject, as so few of the profession have clients whose estates are taxable. The result is that my book has been placed in many of the County Law Libraries, but the sales to solicitors in Ontario have been comparatively few, too few to remunerate me for the time and labor of composition.

I have, however (as one result of the special attention I had given to this subject), acquired a certain consulting practice on all matters relating to the payment of the Succession tax.

Realizing that I must myself push the sale of my book and increase my consulting practice, if I ever wished to be reimbursed for my outlay, I determined to take what seemed to me the ordinary fair business methods to attain this object, methods which would never have been taken had I not considered them honorable, honest and such as might be employed by any solicitor in good standing.

I first announced to the profession, by a printed card addressed to each member, that I had specialized on this subject, and I enclosed, with the announcement, my card, referring to myself as author of 'Succession Duty in Canada.' To do the matter thoroughly, I next compiled a list of all the persons in Ontario whose estates might be liable to taxation, and I sent to a number of these persons in Ottawa, Peterborough, and elsewhere, the letter complained of, enclosing in each the professional card of my firm, my object still being to advertise my book, and to increase my consulting practice.

This brings me to the consideration of the charge against me, which is that the writing and sending my letter of 27th November last constitutes an act of professional misconduct, and as I am left entirely in the dark as to why or in what particular the letter is objectionable, I must, I presume, mention and answer every objection which could be suggested to it.

1. What objections might the public take to my letter ?

They have, in fact, suggested none, but if the statements contained in it were false or misleading, that might form a ground of complaint. The statements in the letter are, however, abso-

lutely true and are not in any way misleading. The experience I have had in dealing with this subject, and the length of time I have taken to obtain a perfect and thorough knowledge of it, coupled with the result of my studies, viz.: my book, must entitle me to call myself a specialist on this branch of the law, without fear of contradiction.

2. What objections might the profession suggest to my letter ?

(a) It is an advertisement, asking for business.

(b) It is a breach of the rules of the society.

(c) It is calculated to injure the profession in the eyes of the public.

(d) It is an attempt to entice clients from another solicitor.

(e) A solicitor may not announce himself as a specialist.

Before dealing with these alleged objections, let me say that I have searched in vain for any case in which the society has disciplined a Barrister or Solicitor upon the complaint of another member of the profession for an alleged offence against professional *etiquette*. So far as I am able to ascertain, the offences which have been punished by the society have always involved the public in some way. Never before has the society attempted to discipline any member for what can, at most, be classed as an offence against good taste. Such matters have been left to cure themselves. If the methods employed were wrong, the benefits reaped from them were short lived, and the offender suffered loss of caste among his professional brethren, which was deemed punishment enough.

The Ontario Law Journals contain many instances of alleged unprofessional conduct, to which they called the attention of the society, but such cases have been treated with dignified contempt. Why?

Why not leave me to suffer loss of caste if any improper methods have been employed by me? Why am I singled out and prosecuted ?

Had I used the ordinary cheap methods of a fakir (such as are referred to at page 323 of Can. Law Journal (1892) Vol. 28), no notice would have been taken of me.

The complainants are quite willing that my book should be placed in their County Libraries, where 30 or 40 of them can use one copy, and thus cheaply profit by my labors and researches, but I must not dare to ask them to consult me on this subject. That would be most unprofessional.

Now to consider in detail the objections to my letter which I have suggested :—

(a) *It is an advertisement, asking for business.*

It is a private letter, on my private note paper, and signed with my own hand, but as the matter of it is printed and is the same in all the letters mailed, I presume it would be called a circular letter, and consequently a form of advertisement. The card enclosed is also an advertisement.

It can hardly be contended that all advertising is a breach of professional etiquette in Ontario. I submit that advertising by a solicitor is allowed, so long as the matter of the advertisement is true, and that the form and method of advertising is a matter of taste, each member using his own judgment, and any breach of etiquette in this respect is punishable only by the loss of caste of the solicitor offending. I contend that professional etiquette in this Province is nothing more than the consensus of opinion of the majority of the profession on a matter of form or good taste. An investigation of the methods of advertising used by the profession generally, 20 or 30 years ago, and of those of the present day, will shew that what is now well within the bounds of etiquette would then have raised a storm of protest.

Advertising in some form is now the universal custom. This seems to be recognized by the learned author of the C. L. T., who, however, protests against what he calls "sensational advertising" (C. L. T., 1890, p. 88) and calls upon the society to suppress it. But what an unenviable position the Benchers would place themselves in were they to assume to be the judges as to what is or is not a "sensational advertisement." Does this not make it plain that the only punishment of the sensational advertiser is the reputation which he earns as a legal fakir?

Now, if it is admitted that a solicitor may advertise, and that he is not bound to keep in the beaten path, so long as his advertisement is true and does not offend good taste, does my letter comply with these requirements? In the first place, the statements in it are all true. There is nothing sensational in the form of the letter; the mechanical work is of the best. Then the wording—would any person receiving it with the card of my firm enclosed come to the conclusion that it was the work of a fakir? Would the profession suffer by reason of it in the eyes of the persons to whom it was sent?

It is simply an announcement that I have given special attention to Succession Duty, and a request that the person receiving the letter will allow me to consult with his solicitor, relative to the effect of disposing of his property in different ways, so far as the payment of the tax is concerned.

It may be asked why I adopt this form of advertising. It must be admitted that if I am entitled to advertise at all, I am

also entitled to use the most effective method, consistent with good taste. The ordinary form of advertisement of a solicitor who wishes to advertise a specialty is a card in a newspaper or law journal, in which he states that he has devoted special attention, say to "Exchequer Court" practice, for instance. This is effective, because any member of the public may be interested in a case involving Exchequer Court practice. But the same does not apply to succession duty. Had I advertised in a newspaper "Special attention given to Succession Duty cases," I would have reached scores of persons who could by no possibility have been interested in my subject, and so I adopted the more effective method of ascertaining who might be affected by the tax, and then of sending my advertisements directly to them.

As to the asking for business, all advertisements do so either inferentially or in express terms.

My object in advertising at all was as I have stated before, to increase my consulting practice and the sale of my book. In so far as the letter and card advertise my book, it can hardly be contended that they are a breach of etiquette.

Lastly, I submit that English professional etiquette regarding advertisements by barristers or solicitors is not in force in Ontario.

English etiquette discountenances advertising entirely. The traditions of the English bar are opposed to what are called the methods of tradesmen. According to English ideas, a gentleman might enter the professions but never engage in trade. The professions, therefore, were opposed to all trade methods (among others to advertising), not for any moral or logical reason, but simply that tradesmen adopted it. But there is no traditional antipathy, on the part of the profession in Ontario, to tradesmen or to the legitimate methods of mercantile pursuits. The fathers and brothers of our best professional men are tradesmen and the profession has no cause to discountenance legitimate advertising or any other of their honest methods.

(b) *It is a breach of the rules of the society.*

I am charged with an offence under a statute, viz.: with "professional misconduct," and if found guilty, the penalty prescribed is disbarment or suspension as a barrister and striking off the rolls or suspension as a solicitor.

There is no inherent right in Convocation to discipline members of the profession; this right is wholly statutory, and is limited by the terms of section 44 of the Act respecting the Law Society of Upper Canada to cases of "professional misconduct" or "conduct unbecoming a barrister or solicitor." The society are

further empowered to make rules relating to the discipline and honor of the bar (sec. 40) and to the discipline and practice of solicitors (sec. 43).

I submit that my letter does not contravene the statute or any of the rules of the society.

In order that a mere breach of professional etiquette should become an offence under section 44, I submit that it would be necessary for Convocation to pass a rule or by-law prohibiting the act complained of, and declaring it an offence punishable under the statute. Even had they gone this length, it is doubtful whether such a by-law would be within their powers as prescribed by the Act.

The powers of Convocation relating to questions of professional etiquette are analogous to the powers of a municipality to pass by-laws prohibiting certain actions, which, although not themselves breaches of the general law, thereafter become offences by virtue of the by-law.

I submit that my letter cannot in any case be considered in any graver light than as a breach of professional etiquette, and that, as Convocation has refrained from passing any rules which would make such a breach an act of professional misconduct, or conduct unbecoming a barrister or solicitor, I cannot be found guilty of either of these offences. In discussing the question of unprofessional advertising, the learned author of *Can. Law Times* says: "On looking at the Act respecting discipline, we notice that it gives the Benchers jurisdiction only in cases of 'professional misconduct,' and not in cases of 'unprofessional conduct.' " (See *Can. L. T.* Vol 7, (1897), p. 153.)

In *Hands v. Law Society of Upper Canada* (16 O.R. 635-6), the following dictum of the Chancellor occurs, "It is for the Benchers to determine and adjudge what is and what is not becoming conduct in a member of the society. The body itself is practically constituted the custodian and judge and vindicator of its own integrity and honor." I do not deny for a moment that Convocation are to determine within reasonable limitations what is "professional misconduct" within section 44.

But I submit that breaches of form or good taste can never be considered as professional misconduct or as conduct unbecoming a barrister or solicitor, unless the Benchers in the first place pass by-laws making them offences within the Act. It is contrary to natural justice to penalize a member of the profession for contravening an alleged unwritten rule. But if the Benchers, in pursuance of the powers conferred upon them by sections 40 and 43, pass, for instance, a Rule against advertising, then members having proper notice of it, might disregard it at their peril.

(c) *It is calculated to injure the profession in the eyes of the public.*

In *Hands v. Law Society* (quoted above), the Chancellor says: "Any act of any member that will seriously compromise the body of the profession in public estimation, is surely within the province of this law (sec. 44)."

The learned Judge was dealing with a charge of misappropriation of money by a solicitor, and the acts to which he refers were those of a solicitor in his professional dealings with the public, so that the dictum referred to cannot be extended to include breaches of etiquette.

I submit, however, that there is nothing in my letter which in any way compromises the profession in general in public estimation, by bringing it into contempt or ridicule or by injuring its standing in any other way. If my letter were referred to a jury of laymen, I venture to say that it would be found an absolutely innocent document, which had no effect of injuring or compromising the body of the profession in their eyes.

(d) *It is an attempt to entice clients from another solicitor.*

I submit that I must be judged by the wording of the letter itself on this point, and that no meaning, other than that which may be gathered from the words I have used, can be attributed to it. The letter was prepared carefully after due consideration, and I intended it to mean no more or no less than appears on its face. Nothing was intended to be written between the lines.

I deny that I had any intention of interfering with or enticing away the clients of any member of the profession, and I submit that my letter will not support any such charge.

As I have already stated, my object was to gain a consulting practice on the subject of Succession Duty, and my desire was to do this through the profession, not behind their backs. The wording of my letter bears me out in this statement. I said that in the preparation of the will of my correspondent, one of the chief points to which *his solicitor* would direct his attention, would be the question of Succession Duty. I did not suggest that I should be allowed to prepare the will. My only request was that he would allow me to make, *to his solicitor before he prepared the will*, suggestions on the question of succession duty. In other words I referred only to a consultation with the solicitor. I asked for no direct dealings with my correspondents and I did not wish for or expect any. It may be easy enough for the complainants to say that I expected to deal directly with their clients behind their backs. I submit that no fair interpretation of my

letter will support any such charge, and I deny again that I had any such intention or thought in writing and sending the letter.

I submit that I had a right to announce to the persons most interested in Succession Duty that I had given special attention to this subject, whether I made the announcement through the press or by means of a circular letter. And I submit further that as I was seeking a consulting practice only, it was of course necessary for me to say so, and that the words I used, "Let me make suggestions to him before he prepares your will," are not a direct asking for business, but are a distinct intimation that I wished for nothing more than a consultation with the solicitor.

(e) *A solicitor may not announce himself as a specialist.*

The best answer which I can give to this objection is to quote some of the professional advertisements from the current Canadian Law List: "Direct connection and special attention given to all business in 7 surrounding towns and villages (page XII.)." 48

"Probating, administrations and commercial collections a specialty." (Page XII.)

"Parliamentary, departmental and Supreme Court Agent." (Page XIV.)

"Special attention given to commercial law and collections." (Page XIV.)

"Special attention given to Exchequer Court business and practice." (Page XV.)

"Parliamentary solicitor. Special attention given to private bill legislation." (Page XVI.)

"Personal attention to Detroit business."

These are the advertisements of firms in good standing, including a member of convocation. I do not quote them as improper advertisements. In my humble opinion they are in perfectly good taste. I simply wish to shew that it has become customary for solicitors to specialize, and to announce to the public that they have done so. The same custom has long prevailed in the United States.

I submit that the public are directly interested in knowing that a member of the profession has made a special study of any particular branch of the law, especially an obscure branch like Succession duty, and that there can be no logical objection to the public being informed of this fact in a proper manner. I base my claims as a specialist on this subject upon my book and writings. It is customary for authors to advertise themselves (through their publishers or by reviews of their work) as specialists on the subject they have chosen to write upon. In review-

ing Mr. E. D. Armour's "Treatise on the Law of Real Property," the Canada Law Journal says: "For a long time the practice of the law has been more or less divided into specialties, one man being prominent in one branch and another in another branch. Mr. Armour has a specialty, and that specialty is the law of real property." (C. L. J., Vol. 37, p. 83.)

I have made my argument so full and complete that it is hardly necessary, I think, for me to prolong it by summing up my position.

I might just say, shortly, however, that I deny that I have been guilty of "professional misconduct," as charged by the complainants.

I submit that my letter cannot be considered in any graver light than a breach of etiquette, although I do not at all admit that it is such. I claim that a mere breach of etiquette cannot be an offence under the Act unless made so by Convocation by Rule, and I say that my letter is not an infringement of the statute or of any rule, and that I cannot, therefore, be found guilty of either professional misconduct or of conduct unbecoming a barrister or solicitor.

I submit this argument in defence of my letter, subject to the "objections of procedure" sent herewith to the secretary of the society.

R. A. BAYLY.

London, 18th May, 1903.

As to objections 1 and 3, your committee are of opinion that the correspondence contains a complaint in writing and that such complaint is specific and charges misconduct as defined by the Act, namely, an act of professional misconduct or of conduct unbecoming a barrister or solicitor, and that it is within the powers of the society to investigate the said complaint, and to deal therewith, if, upon inquiry, they find that it is established.

The committee are also of opinion that the Statutes and By-laws of the society are sufficiently comprehensive to confer upon the Society the power to, what Mr. Bayly terms "prosecute" the inquiry. Otherwise it might happen that the death or the poverty of the complainant, or an unwillingness to prosecute, would paralyze the arm of the society and enable a person guilty of misconduct to escape. In this case, however, the complainants were, as already stated, prosecuted by Mr. Gorman and the Law Asso-

ciation of Peterborough, respectively, who were, upon the investigation before your committee, represented by Mr. Hamilton Cassels, K.C.

The committee are also of opinion that it is within their province, under the proceedings, had herein, to inquire into and to find whether or not Mr. Bayly has been guilty of professional misconduct, or of conduct unbecoming a barrister or solicitor, or both; and your committee are further of opinion that the said objections filed by Mr. Bayly are not well founded.

Mr. Bayly, in his answer to the said complaints, much of which answer is irrelevant, states that:—

“I compiled a list of all the persons in Ontario whose estates might be liable to taxation, and I sent to a number of these persons in Ottawa, Peterborough, and elsewhere, the letter complained of, enclosing in each the professional card of my firm, my object still being to advertise my book and to increase my consulting practice.”

Therefore the question as to whether or not Mr. Bayly sent the letter referred to is disposed of.

The gravamen of the complaint, which your committee had to investigate and to report upon, is as to the conduct, in a professional point of view, of Mr. Bayly, in circulating the letter in question.

By his answer, Mr. Bayly suggests that advertising by a barrister or solicitor is not unprofessional, but that it is allowed and largely resorted to by members of the Society, and that his letter is simply a form of advertisement. Your committee have not considered, and are not dealing with, the question as to whether or not it is a breach of professional etiquette for a barrister or solicitor to advertise, but with the character of Mr. Bayly's letter and the mode adopted in circulating it. From admissions made by Mr. Bayly and the evidence of parties who had received the letter, it appears that Mr. Bayly, by some means, ascertained the names of many persons in different parts of the Province, who are supposed to be wealthy, or who can influence persons of wealth, and who, by his letter he admits, had their respective legal advisers. These legal advisers are Mr. Bayly's fellow-practitioners, members of the same society. He, without consulting them, puts himself into direct communication with their clients,

and undertakes to advise them in a matter of great importance, and urges that he be retained by them. "Let me," he says, "make suggestions to him before he prepares your will. An act which cannot but be regarded by his fellow-members as (and it is) very objectionable and offensive, and goes far beyond the region of advertising. He, in fact, constitutes himself the self-appointed adviser of other solicitor's clients in matters relating to succession duties. Again, there is the extraordinary statement that he, upon the law relating to succession duties, is far in advance of his fellow practitioners. He says: "I claim to be better able to give you sound advice on this subject." The bad taste thus evinced, the slur cast upon his professional brethren, do not appear to his taste to be objectionable. They are so objectionable that one would be surprised if Mr. Bayly's conduct did not not evoke indignation, especially on the part of the gentlemen whose clients have been thus approached and have been informed by Mr. Bayly that their solicitors "could not afford the time to analyze the acts and amendments enforcing this taxation as I have done," and the Benchers would be negligent in the discharge of their duty with regard to the rights to those who elected them to protect their rights if they did not, and the Society would be weak and helpless if it could not, protect these rights, and investigate and deal with conduct such as complained of herein.

As laid down in Sharwood, in his essay on Legal Ethics, a professional man owes certain duties to the public, to the Courts, to his professional brethren and to his clients. Mr. Bayly by his letter shews what little regard he has to the observance of some of these responsibilities and obligations. His conduct is liable to bring discredit upon his professional brethren. A professional man has obligations to discharge as to decorum, etc., not only in Court, but he must abstain out of Court from any act likely to bring discredit upon himself as a practitioner. His letter is a solicitation, and Warvell (at page 53) lays it down that solicitation is unprofessional. A professional man may announce his professional character in a modest and decorous way, but cannot, without violating the canons of good taste, offer his services for sale, nor vaunt his own abilities. In his letter he offers the services and vaunts his superiority over his professional

brethren. A solicitation by advertisement, or otherwise, becomes improper when it cannot be made without a loss of professional dignity or a lowering of professional standard. It ill becomes a professional man to sound his own praises, even though it be done indirectly by a recital of the things he is able to accomplish, and to resort to such a practice is an exhibition of bad taste. This is unjustifiably pretentious, and such procedure has not a tendency to earn from the public the opinion that the Bar is honourable and high-minded. Such conduct as that complained renders the profession liable to attacks which all alike have to bear. Where a solicitor transgresses recognized limits as to advertising by extolling his own abilities and his facilities for prosecuting business, he approaches dangerously near a line which in Warvell's book is spoken of in condemnatory language.

Your Committee has not dealt with another point which may be fairly said to arise in considering Mr. Bayly's letter, namely, the suggestion involved in the paragraph in which he says :

“ In the preparation of your will, one of the chief points
 “ which your solicitor will direct your attention, will be the
 “ question of ‘ Succession Duty,’ which is now payable on all
 “ large estates. The proportion of this tax, to which your estate
 “ will be liable, depends very largely upon the manner in which
 “ you may dispose of your property.”

Your Committee find that Mr. Bayly has been guilty of professional misconduct.

All which is respectfully submitted.

JOHN HOSKIN.

June 22nd, 1903.

The Chairman recently received a letter of apology from Mr. Bayly, which is submitted herewith.

LONDON, Canada, 18th June, 1903.

JOHN HOSKIN, Esq., L.L.D., K.C.,
 Chairman Discipline Committee,
 Toronto.

Dear Sir :—

When I sent out my letter of 27th Nov. last re Succession Duty, I supposed that it was one which a Solicitor might circulate without being guilty either of professional misconduct or of con-

duct unbecoming a barrister or solicitor. In certain quarters, however, I know the letter has provoked severe criticism. I am sure that you and the Discipline Committee will credit me, when I say, that I did not intend to act unprofessionally in any way, and that if, in the opinion of the Committees I have done so, I deeply regret it.

The desire to see my book on " Succession Duty " successful caused me to take a step out of the beaten path which I now regret, and which will, I trust, be viewed by Convocation with leniency.

I am quite willing to pay the expenses which the Law Society has incurred in this enquiry.

Yours truly,

R. A. BAYLY.

It was noted at the presentation of the foregoing report upon the complaints against Mr. Bayly, that more than ten Benchers were present.

The report was read and received, the same Benchers being present and more than ten in number. It was ordered that the report be taken into consideration.

It was then moved that the report be adopted.

It was moved by Mr. Lash and seconded by Mr. Wilson : That the motion for adoption of the report be amended and that the following be substituted :—" Whereas the report of the Discipline Committee has been received, and whereas a letter from Mr. Bayly has been received and read to Convocation ; And whereas in view of Mr. Bayly's letter and of the offer made by him to pay the expenses incurred in connection with the investigation and of the regret expressed by him in said letter ; Resolved that Mr. Bayly be informed that upon payment by him of said expenses (the amount of which is to be certified by the Chairman of the Discipline Committee) and in view of the regret expressed in his letter, Convocation does not think it necessary to make any order upon said report.

It was then moved by Mr. Shepley that the following be adopted as an amendment to the amendment offered by Mr. Lash :—

That the report be taken into consideration on the first day of meeting in Trinity Term, being the 17th day of September, 1903, and that Mr. Bayly be notified that the report will be so

taken into consideration on that day and that he is required on that day to shew why the said report should not be adopted, and that copies of the report be furnished to him and to Counsel for the Complainants, and that such Counsel be also notified that the report will be taken into consideration on the day named.

The question being taken upon Mr. Shepley's amendment resulted as follows :—

Nays :—Messrs. Lash, Martin, Wilson, Hoskin, McKay and Barwick, six. Yeas :—Messrs. Strathy, Shepley, Glenn, Gibbons, McPherson, Idington and Riddell, seven.

Mr. Shepley's amendment was declared carried and Convocation ordered accordingly.

Convocation then in pursuance of the Special Call of the Bench for this day made for the purpose, proceeded to the election of a Bencher in the place of Mr. James Vernal Tetzell, appointed a Judge of the Supreme Court of Judicature for Ontario and of the Common Pleas Division of the High Court of Justice.

Mr. Daniel Edmund Thomson, K.C., was declared to be elected a Bencher of the Law Society.

Mr. Thomson was then named as member of the following Committees, viz :—Legal Education, Reporting, Journals and Printing ; which had not been filled since the retirement of Mr. Tetzell.

Mr. Martin moved that Mr. Duncan Donald, barrister, be appointed to inspect the County Libraries for 1903, excepting the Rainy River Law Association, and that Mr. Donald be paid for his services the sum of two hundred dollars, including his expenses.

Ordered accordingly that Mr. Donald be appointed to act as Inspector for the ensuing year at a salary of \$200, including his expenses.

Mr. McPherson, from the Special Committee appointed in Easter Term, 1901, in reference to Conveyancing, reported as follows :—

Your Committee have to report as follows :—

1. After conference with members on both sides of the House and with the Attorney-General, the Honourable J. M. Gibson, it

was decided on his suggestion to have the Bill introduced and it was accordingly introduced on the 4th of June, 1903, by Mr. McKay, M.P.P. (North Grey), and received a first reading.

2. A copy of the Bill is hereto annexed.

3. After further consideration, Mr. McKay reported to the undersigned that in the opinion of the Attorney-General it would be advisable that the Bill should stand until the next session in order that there might be no objection raised afterwards on the ground that the public had not had sufficient notice of the Bill.

4. Mr. McKay having concurred in the suggestion of the Attorney-General the Bill was accordingly withdrawn.

5. From opinions of members on both sides of the House privately expressed, it is believed that the principle of the Bill has been favourably received.

All of which is respectfully submitted.

Osgoode Hall, 30th June, 1903.

WM. DAVID MCPHERSON,
Chairman of Special Committee.

The report was received, taken into consideration and adopted.

Ordered upon a report from the Legal Education Committee :—That Mr. S. J. Whittaker's service be allowed. That the application of Mr. A. J. Thomson to have his admission as student-at-law ante-dated be refused. That Mr. C. J. McLaughlin's application to be admitted as student-at-law, notwithstanding that he had not fully passed the prescribed examination for Junior Matriculation be refused. That Mr. G. B. Strathy and Mr. R. A. Carman be called to the Bar (Mr. Strathy with honours) and do receive their certificates of fitness. That Mr. R. D. Hume do receive his certificate of fitness.

Mr. Lash read the report of the Principal of the Law School for the session of 1902-1903.

The Law School, 13th May, 1903.

Z. A. LASH, ESQ., K.C.,

Chairman Legal Education Committee.

Dear Sir,—

I beg to report as follows in regard to the term of Law School (1902-1903) which has just closed.

1. The number of students who registered were :—

First Year 47

Second Year 49

Third Year 41

Of the first year one student withdrew during the year ; two others withdrew but will probably enter again next term.

2. I send herewith Schedule A., shewing the names of students who have fully attended the lectures, and Schedule B., shewing the names of those who for good and sufficient cause failed to attend the prescribed number.

3. The number of lectures delivered during the Term was as follows :—

The Principal	227
Mr. Armour, K.C.	104
Mr. Marsh, K.C.	98
Mr. King, K.C.	90
Mr. McGregor Young	110

— 635

4. In addition to the regular lectures we had a valuable course of lectures delivered by Judges and others, not on the regular staff, which were much appreciated. I submit a list thereof for the information of the Committee (as follows):

Jan. 16th.	The Law of Costs.—W. E. Middleton, Esq.		
“ 23rd.	Do.	do.	do.
“ 30th.	Interlocutory Applications.—John H. Moss, Esq.		
Feb. 6th.	Preparation for Trial.—N. W. Rowell, Esq., K.C.		
“ 13th.	Certiorari and Prohibition. — W. H. Blake, Esq., K.C.		
“ 20th.	The Joint Stock Companies' Acts.—C. A. Masten, Esq.		
“ 27th.	Do.	do.	do.

Attendance at these Lectures was voluntary.

Jan. 16th.	The Municipal Act.—The Hon. Charles Moss, LL.D., Chief Justice of Ontario.		
“ 23rd.	Legal Ethics.—The Hon. Sir John A. Boyd, K.C. M.G., Chancellor of Ontario.		
“ 30th.	The Municipal Act.—The Hon. Sir W. R. Meredith, LL.D., Chief Justice Common Pleas Division.		
Feb. 6th.	Do.	do.	do.
“ 13th.	Do.	do.	do.
“ 20th.	Do.	do.	G. F. Shepley, Esq., K. C.
“ 27th.	A Counsel's Duty to His Client.—A. B. Aylesworth, Esq., K.C.		

March 6th. Procedure Under Winding-up Acts. — Thomas Hodgins, Esq., K. C., Master-in-Ordinary of the Supreme Court of Judicature for Ontario.

Attendance at these Lectures was obligatory.

5. The average attendance during the year was :

First Year. 43

Second Year. 44

Third Year. 38

6. The discipline and attention shewn was most satisfactory.

7. I have forwarded under a separate report the annual report as to the Phillips Stewart library with my recommendations.

8. I have for some time felt in view of the very great importance at the present day of a knowledge of Company Law and also of the law relating to municipal bodies, the present curriculum which prescribes these subjects for honour students in the third year only was defective. In my opinion no student should graduate from the school without having been required to obtain some knowledge of these subjects.

9. I recommend therefore that these subjects be made pass subjects in the third year.

10. This would involve making some changes in the curriculum, in the way both of redistribution and omission. The curriculum as re-adjusted will be of a more progressive character than it has heretofore been.

11. The changes which I recommend are as follows :—

(a) In the first year, omit Kingsford's Blackstone, and put on the subject Constitutional History, now part of the second year course, with the proper text-books.

(b) In the second year, I recommend the omission of Smith's Equity, continuing Snell, now read in the first year, for the second year also ; from the third year course transfer to this year, Underhill on Trusts.

I recommend also that the subject of Constitutional Law be transferred from the third to the second year.

(c) For the third year I recommend that Contracts be left off, and that students be required to take the work in Company Law and Municipal Law now assigned to honour candidates only.

12. It may not be possible to carry out these changes in their entirety at once ; I ask that the principle be approved, and that I be authorized to carry it into effect as soon and in such manner as may be most conveniently done.

13. In the above recommendations the other members of the staff concur.

14. Experience has shewn that examination papers of ten questions each in Dominion and Ontario Company Law are not satisfactory. I recommend at the suggestion of the Senior Examiner that these subjects be combined in one paper of twelve questions.

15. I also recommend, with the concurrence of the Senior Examiner that the extra three questions for honour candidates in the third year be discontinued.

16. I recommend that Mr. W. S. Lane be continued as student librarian during the next term. The other nomination for that position, I desire to reserve until after the results of the examinations in the first year are known.

N. W. HOYLES,
Principal.

It was ordered that the report be placed on the minutes of Convocation and it was further ordered that the matters therein contained be referred to the Legal Education Committee to be dealt with and with power to act in respect thereto.

The letter dated 4th June of Mr. N. W. Hoyles, K.C., Principal of the Law School, applying for leave of absence for a period of five weeks in February and March, 1904, in order to attend the centenary of the British and Foreign Bible Society was read, and it was ordered that leave be accorded as requested, it being incumbent on him to provide for the proper discharge of his duties during his absence.

Mr. Ritchie, from the Reporting Committee, laid before Convocation the letters dated 4th June and 16th June instant, respectively, of the Carswell Company Limited in reference to the leave recently granted to them to print extra copies of certain titles of the new Consolidated Digest, under the authority delegated to the Reporting Committee on the 5th of February, 1903. It was ordered that the Reporting Committee do direct the Secretary to write the Carswell Company a letter specifying

the topics which may be included in the titles of which the Company has been given such leave to print extra copies.

The following gentlemen, who had been ordered to be called to the Bar, were then introduced and called accordingly :—

Messrs. Gerrard Breckinridge Strathy (with honours).

Percy Alfred Greig.

Septimus John Whittaker.

William Trompour Detlor.

Russell Aubrey Carman.

The letter of Mr. E. B. Brown, of the 26th June, 1903, asking for reconsideration of the request made by himself and Mr. Rolph for a grant in aid of the Ontario Weekly Reporter, which had on the 21st day of May been declined by Convocation, was read; and after a full discussion it was decided to take no action in respect thereof.

The Finance Committee were authorized to make any changes found necessary in the lavatories and to take any action deemed necessary for the greater security of the robing room.

The letter (undated) of Mr. J. W. L. Forster to the Treasurer stating that the portrait of the Honourable Charles Moss, Chief Justice of Ontario, was ready to be placed in Osgoode Hall was read; the Secretary was directed to acknowledge the letter and to inform Mr. Forster that the Benchers would be pleased to have the portrait placed in position at once in the corridor.

The Secretary was directed to write to the proper officers of such of the governing bodies of the Bars in the other Provinces of the Dominion as had not already replied to his communication asking for their co-operation in the work of supplying references of reported cases in the Courts of their Provinces to the Commission in charge of the consolidation of the Statutes of the Dominion of Canada; and to remind those from whom replies had already been received that the Law Society of Upper Canada requests the favour of further replies from them in connection with the matter.

Convocation then rose.

LAW SOCIETY OF UPPER CANADA.

TRINITY TERM, 1903.

Thursday, September 17th.

Present: The Treasurer and Messrs. Bruce, Clarke, Foy, Glenn, Hoskin, Idington, Martin, McKay, Ritchie, Shepley, Strathy, Thomson, Watson and Wilson.

Convocation, then pursuant to the order of 30th June, 1903, entered upon consideration of the report of the Discipline Committee upon the complaints of Mr. M. J. Gorman, K.C., and of the Peterborough Law Association against Mr. R. A. Bayly, ten members of Convocation being present. Mr. Bayly attended and was called upon to make any observations on his own behalf as he might deem proper. Mr. Bayly then addressed Convocation by means of a memorandum in writing which he read as follows:

When I wrote my letter re Succession Duty I was aware that it is considered unfair and unprofessional to write to another Solicitor's client and to seek to procure business directly from him without his Solicitor's knowledge. I did not intend to commit this offence, but the Committee consider that I have done so. Their Report says:—

“Mr. Bayly without consulting them (the other Solicitors) puts himself into direct communication with their clients, and undertakes to advise them in a matter of great importance, and urges that he be retained by them. ‘Let me,’ he says, ‘make suggestions to him before he prepares your will.’ . . . ‘He in fact constitutes himself the self-appointed adviser of other Solicitors’ clients in matters relating to Succession Duties.’ ”

Now the only evidence that was before the Committee was my letter, and (as I have already claimed in my defence) I claim again, that I must be judged by the wording of the letter itself, and that no meaning, other than that which may be gathered from the words I have used, should in fairness be attributed to it. Nothing was intended to be written between the lines.

In writing to my correspondents I might have omitted all mention of their Solicitors, and have asked them to write and consult me on this subject.

This would have been a direct and personal dealing with the clients of other Solicitors without their knowledge, and in such a case the censure of the Committee would be just.

But I submit I clearly did not offend in this way. My object in writing my letter was to increase my consulting practice in Succession Duty cases, and my desire and aim was to do this *through* my professional brethren *and not behind their backs*.

In writing the letter I assumed therefore that each of the parties to whom I wrote was the client of some one of my brother Solicitors.

I did not say to these parties, "Come yourself or write and consult me." I said: "Let me make suggestions to your Solicitor before he prepares your will." I assumed that any one receiving my letter would take it to his Solicitor and would be guided by his advice, as to consulting me regarding Succession Duties.

I asked for and expected no communication with those to whom I sent my letter except through their own Solicitors.

But the finding of the Committee treats this portion of my letter as though I had ignored my brother in the profession entirely.

I submit that my letter will not bear the interpretation put upon it by the Committee, viz.: that by it I sought to constitute myself the self-appointed adviser of other Solicitors' clients in matters relating to Succession Duties, and that in this particular the finding of the Committee is not in accordance with the facts. My letter was written with the idea that I had qualified myself *as a specialist* on the subject of Succession Duty, and that I was also entitled to announce myself as such to that small section of the public who might be interested in the fact.

The right of a member of the profession to specialize upon any particular subject and to announce his specialty can hardly be denied.

The practice (as I have shewn in my defence) has become common in Ontario and the other Provinces, and must become more so in the future.

This phase of my argument has not been referred to in the finding of the Committee. I submit that it should be considered in dealing with my letter.

There is, of course, no qualifying examination in any profession which entitles a member to call himself a *specialist*. None the less specialists are recognized in all professions.

Any member, who by the devotion of much time and money to the study and practice of one particular subject, has acquired such a knowledge of that subject as to be better qualified to advise upon it than the average Barrister or Solicitor (not from his extraordinary ability, but simply because of his devotion to this one subject) becomes entitled, I submit, to call himself a specialist in our profession.

In other professions if a member announces himself as a specialist, he is not accused of "vaunting his own abilities," or of being "unjustifiably pretentious"; on the contrary the public merely give him credit for having perfected himself in one department of his profession, and his business narrows itself in consequence to that department.

I claimed in my defence, and I still claim, that I am a specialist on the subject of "Succession Duties," and I so stated in my letter adding that I was *therefore* better able to advise on this *one* subject. In quoting from my letter in their report, the Committee have omitted the two important words "therefore" and "one." I submit that by these omissions they have failed to place my letter before Convocation in its proper light or in the light intended.

The expressions objected to in my letter flow from and are nothing more than definitions of the term specialist. If I had used them in reference to my general professional knowledge, they would certainly be unjustifiably pretentious and merely boastful. But used in the connection in which they are found in my letter I submit that they are implied in the term specialist and cast no slur on other members of the profession.

I did not intend by the use of these expressions to vaunt my own ability, because it is not necessary *that one should have any particular ability to be a specialist*. This is well recognized in the medical profession. A doctor announces himself as a specialist on diseases of the eye. The public go to him because they believe he has devoted his time and money to that particular subject, and is therefore better qualified to treat their eyes than a general practitioner would be.

But would any one think of accusing the eye specialist of vaunting his own ability or of casting a slur on his professional brethren, if he claim to be better posted on that subject than the ordinary general practitioners? Would he be deemed to be slighting all other members of his profession, if he were to claim that they did not devote the time and attention to diseases of the eye that he as a specialist had done?

The Committee have found that I sent my letter to "persons in different parts of the Province, who are supposed to be wealthy or who can influence persons of wealth." This finding is not, I submit, in accordance with the evidence. The facts proved before the Committee were that I wrote only to persons whose estates might be liable to Succession Duty. I don't know why they should find that I also wrote to persons who could influence them and such is not the fact.

There is just one other matter which I think I am justified in referring to. The Report of the Committee finding me guilty of professional misconduct has before its adoption been circulated among the profession and my name has been given in full. I submit that this is (as far as I can discover) exceptional treatment and has been unnecessarily injurious to me, and that there should have been no publication until the matter had been finally dealt with by Convocation.

As a result the case has been reported, while *sub-judice*, in the London press and I have suffered much injury thereby. I occupy the position of Chairman of the Board of Trustees of Victoria Hospital, London, and I have been anonymously threatened that unless I refrain from opposing certain building plans in connection with the Hospital, the finding of the Discipline Committee will be circulated throughout the city.

Dr. Hoskin moved the adoption of the report.

It was then moved and seconded that the report be amended by striking out the words "professional misconduct" and substituting the words "conduct unbecoming a Barrister or Solicitor." Lost.

The report was then adopted on a division, fourteen members being present.

At the instance of Convocation, Dr. Hoskin retired and conveyed to Mr. Bayly the fact that Convocation had adopted the

report and that he was asked whether he desired to withdraw his letter of the 18th June last addressed to Dr. Hoskin as Chairman of the Discipline Committee. Mr. Bayly replied that he did not wish to withdraw his letter, and that Convocation could consider it as before them and in relation to any action Convocation might take upon the report; that the said letter was meant as and is intended to be an apology.

Dr. Hoskin then moved the following: "That Convocation accepts the tender of Mr. Bayly's apology contained in his letter of the 18th June, 1903, to the Chairman of the Discipline Committee and his offer to pay the expenses made in the same letter, and in view thereof does not make any further order upon the report." Carried.

Mr. Wilson then moved that the amount of the expenses incurred and offered to be paid by Mr. Bayly be certified by the Chairman of the Discipline Committee. Carried.

Convocation then ordered that the Committee on Journals and Printing do prepare a record relating to the deaths respectively of the late Honourable John Douglas Armour and the late Honourable William Proudfoot.

The Secretary read letters in answer to his letter of the 29th July asking the various Law Societies of the other Provinces of Canada for answers to his former letter of 24th November, 1902, relating to the annotation of the Consolidation of the Statutes of Canada, namely, from the Law Society of British Columbia, 26th August, from the Barristers' Society of New Brunswick, 4th August, and from the Nova Scotia Barristers' Society, 4th August, that the communication will be laid before their respective bodies, from the Law Society of Manitoba, 13th August, that if the scheme is adopted by the Commissioners and the other Provinces, their Benchers will furnish a table of cases decided in Manitoba on Dominion Statutes at the expense of their Benchers; from the Bar of the Province of Quebec, 1st August, that the letter of the 24th November, 1902, had been submitted to and was under consideration by their General Council of the Bar.

The Secretary read answers to his letter of the 29th July, asking the various Law Societies of the other Provinces of Canada for their views in relation to the resolution as to the Call

to the Bar of the Attorney General or Solicitor General for Canada, as follows: From the Law Society of Manitoba, 13th August, that their Benchers are of opinion that they cannot move in the matter without obtaining further powers from the Legislature which could not be done until next year; from the Bar of the Province of Quebec, 1st August, the Barristers' Society of New Brunswick, 4th August, and from the Nova Scotia Barristers' Society, 4th August, that the communication will be laid before their respective bodies at their next meetings.

Convocation then ordered that the Finance Committee take into consideration the propriety of making such representation to the Government upon the question of the ceilings in that part of Osgoode Hall controlled by the Government as the Finance Committee may deem proper.

Friday, September 18th.

Present: The Treasurer and Messrs. Foy, Guthrie, Lash, MacLennan, Riddell, Shepley, Strathy and Thomson.

Ordered upon a report of the Legal Education Committee that the petition of Mr. J. M. Crerar be allowed. That Mr. J. H. Publow and Mr. L. R. Knight do receive their certificates of fitness upon proof of completion of their respective terms of service which do not expire until after the last day of sitting this term. That Mr. Publow and Mr. Knight be called to the Bar. That the following gentleman be called to the Bar and do receive their certificates to fitness: Mr. R. A. Paterson, with honours and gold medal; Mr. A. J. Thomson, with honours and silver medal; Mr. J. G. Gibson, with honours and bronze medal; Messrs. W. R. Meredith, Jr., J. M. Jamieson and R. H. MacKay, all with honours; also Messrs. A. S. Bond, F. Symington, H. D. Graham, J. C. Payne, Frank Morison and C. E. T. Fitzgerald. That Mr. Gordon R. Brady's special petition for admission as a student at law be granted. That the petitions of Mr. H. M. Howell and Mr. A. C. Mackintosh be refused. That Mr. W. G. Blackstock's attendance upon lectures be allowed as sufficient. That the case of Mr. G. G. Thrasher cannot be considered as within the Statute respecting Call to the Bar in special cases. The letter of Mr. W. R. White, K.C., to the Treasurer, dated 17th Sept., relating to the complaint of Mr. J. H. Burritt as to the

delay in the delivery of the Ontario Statutes for 1903 to him was read. The Secretary was directed to reply that the list had been sent to the King's Printer 9th April and the account paid on 12th Sept. It was further directed that the Finance Committee do represent to the Attorney General the circumstances under which delay in the distribution of the Statutes has been permitted.

The following gentleman were then called to the Bar:—

Messrs. R. A. Paterson, with honours and gold medal; A. J. Thomson, with honours and silver medal; J. G. Gibson, with honours and bronze medal; W. R. Meredith, Jr., J. H. Publow and J. M. Jamieson, all with honours; also Messrs. A. S. Bond, F. Symington, H. D. Graham, J. C. Payne, Frank Morison and C. E. Fitzgerald.

Friday, September 25th.

Present: Messrs. Barwick, Foy, Hoskin, Riddell, Ritchie, Shepley and Thomson.

In the absence of the Treasurer, Dr. Hoskin was appointed Chairman.

Ordered upon a report of the Legal Education Committee: That the service of Mr. H. M. Sinclair be allowed as sufficient and that he be called to the Bar and do receive his certificate of fitness. That the following gentlemen be called to the Bar and receive their certificates of fitness: H. C. Gilleland, G. A. McGaughey, E. Proulx and H. F. Gooderham. That Mr. C. V. Lindsay be called to the Bar with honours. That the petitions of Mr. N. Y. Poucher and Mr. D. J. O'Donoghue be refused. That the petition of Mr. H. W. Page be granted.

The following gentlemen were then called to the Bar: Messrs. C. V. Lindsay and R. H. MacKay, with honours, also Messrs. H. C. Gilleland, G. A. McGaughey, L. R. Knight, H. M. Sinclair, E. Proulx, H. F. Gooderham.

Ordered that the communication of the Nova Scotia Barristers' Society, dated 17th Sept., be referred to the Reporting Committee for consideration and report.

Resolved that the Law Society record with deep regret the death on 11th July, 1903, of the Honourable John Douglas Armour, one of the Justices of the Supreme Court of Canada, and at one time a Bench.

He was admitted as a student at law in Michaelmas Term, 1850, called to the Bar in Michaelmas Term, 1853, was appointed one of Her late Majesty's Counsel on 28th June, 1867, was elected a Bencher in 1871 and again in 1876, was appointed a Justice of the Queen's Bench on 30th Nov., 1877, and Chief Justice of the Queen's Bench on 15th Nov., 1887, Chief Justice of Ontario, 2nd July, 1900, and a Justice of the Supreme Court of Canada, 21st Nov., 1902.

On the 16th of March, 1903, he was appointed one of the British Commissioners on the Alaska Boundary Tribunal, constituted under the treaty concluded with the United States on the 24th of January, 1903. He subsequently proceeded to England for the purpose of entering upon his duties as a member of the Tribunal, and died in London on 11th of July, 1903.

Resolved that the Law Society also record with deep regret the death on 4th August, 1903, of the Honourable William Proudfoot, a retired Judge of the Supreme Court of Judicature for Ontario and *ex-officio* a Bencher.

He was admitted as a student at law in Hilary Term, 1844, called to the Bar in Michaelmas Term, 1849, was elected a Bencher in Michaelmas Term, 1863, was appointed one of Her late Majesty's Counsel by the Lieutenant-Governor-in-Council of the Province of Ontario on 16th March, 1872, Vice-Chancellor of the Court of Chancery for Ontario, 30th May, 1874; and under the Ontario Judicature Act, 1881, became a Justice of the High Court of Justice for Ontario, Chancery Division, and retired from that office on 8th May, 1890.

LAW SOCIETY OF UPPER CANADA.

To the Treasurer and Benchers of the Law Society of Upper Canada:

GENTLEMEN,—In accordance with your resolution and the rules of the Society, I have inspected the County Law Libraries, other than that at Rat Portage, and beg to submit this my report.

Improvement is noticeable in almost all the libraries, and greater attention is being paid to their maintenance. Care is being exercised by the officers of the various associations in the choice of the books, and the money at their disposal, which is very limited, is being carefully expended in such works as will be of most advantage to the members of the associations. In some cases the associations have not thoroughly seized the idea that the libraries are for the use, not only of the present practitioners, but also for those that come after them, but there is more evidence of permanence than I found on my last inspection, and the associations are seeking in every way to sustain the interest of their members in the objects of the association. The work of cataloguing the books is being undertaken more generally, and the annotating of the Reports and Statutes is being carried on now by many of the associations. I have endeavoured, wherever I have had an opportunity of so doing, to impress on the officers of the associations the advisability of having the libraries comfortably and suitably furnished, and provided, as far as their means will allow, with the necessary helps to the efficient working of the library, and I may say that I have found, in all cases, the officers of the associations ready and willing to undertake anything within their power toward this end. The libraries will in this way be rendered more attractive to the outside members of the profession.

There is some hesitancy on the part of some associations in requiring the County Councils to provide suitable furniture, and the County Councils do not feel bound to provide these things when required; thus, in some instances, shelving which is absolutely necessary is not provided, and the books are thereby crowded, and of less service to the members of the profession. However, I was assured in these cases that the matter was not

lost sight of, and, as the County Councils meet but twice a year, that it was not possible to have anything done during recess, and hence the delay. The members of the profession, outside the county towns, still lack interest in the libraries which serve their own locality, and there is great difficulty experienced in getting them to become members, even though the fee in their case is very small. In some cases, this is due to the laxity of the officials of the association, because they do not provide any means of prohibiting the use of the library by them, and they thus have all the advantage of being members, without joining the association. The most satisfactory way, apparently, is to provide a lock for the library door, and those members who have paid their yearly fee, with keys for the purpose of admission, and also to have posted conspicuously on the door, a list of those who are entitled to use the library.

Those libraries which have secured the services of a librarian more or less permanent, show to greater advantage than those which are depending entirely on the members themselves for the proper care of the books. There are some of the associations which cannot afford to have a librarian give her whole time to the library, but, as I have mentioned in my former reports, I am convinced, from what I have seen, that it is possible to get some one who will give sufficient time to keep the books of the library properly arranged, and to see that any books taken away are duly returned, and this service can be obtained at a very little expense.

With reference to the question of taking books from the library, the members of the associations are not at one, some favour the taking of books away from the library, while others maintain that the books should be only used in the library. This latter view is the only proper one, I think, as where only one copy of a book is in the library, it must be very discouraging to a member to come and find that it is out, and that if he wants it he must hunt it up. It is possibly unavoidable that at times books should be taken from the library, and it is necessary that each library should have, conveniently situated, a book of record, in which those taking volumes from the library could enter their names and the volumes taken. The best means of doing this I find to be for the smaller associations a blank book well bound and indexed with the names of the members, so that all that is necessary is to turn

up their own name and enter the book there, the pages being ruled so as to provide for entry of the date when taken, and of the date when returned.

I am pleased to report that in many associations a record in permanent form is being kept of all books in the library, and added to it from time to time, so when the officers change, as they are bound to do, the new officers can readily ascertain what they are taking over and for what they are responsible. In some cases, this permanent record takes the form of a catalogue, while in others a catalogue is being kept separate and distinct. I am in favour of the combination in a book of permanent form, as it reduces the amount of labor.

The smaller associations still think that they should share to a larger extent in the Government grant than do those situated in the cities, and, when it is considered that in one case a library is being maintained with only ten members, it seems that they should be encouraged by sharing to a greater extent in that fund, which is for the support of the County libraries generally.

Some of the associations also feel that they should obtain larger allowances from the Law Society for librarian's salary. The least that I find paid to any librarian who gives her whole time is \$3.00 a week, which is certainly not extravagant, and it does not appear that the service can be rendered for less money, and the associations feel that they should be aided to the full extent allowed in this respect, when it is so much to the advantage of the library.

I would like to call the attention of the members of the associations at large to the advantage of a definite and careful arrangement of the books in their various libraries. The matter is simple and can be easily carried out, if they will but give a few hours' time to it, and it renders the work of the officers or of the librarian, as the case may be, much lighter in keeping track of the books in their care. Where the library is scattered, it is almost impossible for any one to ascertain that a book is missing, but it is a simple matter when properly arranged.

I append, for reference, a short report on each library inspected.

All of which is respectfully submitted.

DUNCAN DONALD.

Toronto, 16th of October, 1903.

LAW SOCIETY OF UPPER CANADA.

MICHAELMAS, 1903.

THURSDAY, Nov. 19th, 1903.

Present: The Treasurer and Messrs. Barwick, Bayly, Bruce, Foy, Guthrie, Hogg, Hoskin, Idington, Kerr, Lash, Martin, McKay, McPherson, Ritchie, Strathy, Thomson, Walkem, and Watson.

Ordered upon a report of the Legal Education Committee: That Messrs. H. R. Frost and A. S. Williams be called to the Bar and receive their certificates of fitness as solicitors. That Mr. C. V. Lindsay do receive his certificate of fitness. That the service of Mr. W. R. Givens be allowed. That the special petition of Mr. W. P. Brodie for admission as a student-at-law be granted.

Ordered that the matter of certain proposed amendments to the Consolidated Rules of Practice, forwarded by the Judges of the Supreme Court of Judicature for Ontario, be referred to the Committee on Journals and Printing for report with power to deal with the matter as may be deemed proper by said Committee.

The letter of the Secretary-Treasurer of the Nova Scotia Barristers' Society, dated 5th October, 1903, was read as follows:

Owing to vacation and other reasons, we have been unable to get a quorum of the Council of our Bar Society until the 1st inst. At this meeting your communication with reference to the admission to Provincial Bars of the Attorney-General and Solicitor-General of the Dominion of Canada was read. In reply thereto I am instructed to inform you that the Council of the Nova Scotia Barristers' Society are willing to concur in some uniform practice in relation thereto as suggested by the report of the Special Committee of the Convocation of the Law Society of Upper Canada.

Also the letter of the Secretary of the Law Society of British Columbia, dated 28th October, 1903, on the same subject was read as follows:

Your communication of 29th July, embodying a report of a Special Committee of the Law Society of Upper Canada in regard to the expediency of admitting to the Bar of Ontario any member of the Bar of any other Province upon his taking the office of Attorney-General or Solicitor-General for Canada, was brought before the Benchers at their meeting, held the first Monday in this month. In reference to the proposed change, I am instructed to inform you that the Benchers of the Law Society of British Columbia are opposed to the principle.

Another letter dated 28th October, 1903, of the Secretary of the Law Society of British Columbia, was read as follows:

Referring to your letter of 29th July, respecting the furnishing of British Columbia cases for the use of the Consolidating (Statute) Commission at Ottawa, I am directed to inform you that I will prepare a list of cases for the use of the Commission. You will oblige me by informing me whether or not this scheme is going to be carried out and if the Commissioners are going to publish any notes. If not, there will be no necessity of my preparing a list of cases and I do not want to do it if no use will be made of it.

The Secretary was directed to acknowledge this letter.

Ordered that the application of Mr. E. Kenrick, Barrister at Law, for a certificate of fitness do stand until the 4th December.

Ordered on motion of Mr. Walkem, that the Reporting Committee do report upon the propriety of furnishing with the Ontario Reports the Rules of the Supreme Court of Judicature as from time to time they are promulgated including the Rules made in June last, and also as to the propriety of having the same printed on one side of the paper only.

Mr. Martin, from the County Libraries Committee, presented the report of the Inspector of County Libraries, which was read and ordered to be printed and distributed as recommended.

The question of contracting for a continuance of the supply of the Supreme Court Reports was considered with the result that it was ordered that the contract for the supply of the

Supreme Court Reports be renewed for three years on better terms if they can be secured, but if not, on the best terms available.

Ordered that the letter of the Hamilton Law Association upon the subject of the supply of a new set of text books on the curriculum of the Law School be referred to the County Libraries Committee. 19 Nov 03

FRIDAY, Nov. 20th. 1903

Present: The Treasurer and Messrs. Aylesworth, Barwick, McPherson, Strathy, Shepley, Walkem and Watson.

Ordered upon a report of the Legal Education Committee that Mr. W. R. Givens be called to the Bar and receive his certificate of fitness.

Mr. Aylesworth on behalf of the Committee on Journals and Printing presented the following report:

The Committee on Journals and Printing beg to report that they have considered the proposed rules to be taken into consideration by the Judges of the Supreme Court of Judicature for Ontario on 28th November, 1903, and recommend that Convocation express their approval of and concurrence in the proposed rules.

A. BRUCE,

19th Nov.

Chairman.

The proposed Rules upon which the Judges had asked for suggestions were as follows:

THE SUPREME COURT OF JUDICATURE FOR ONTARIO.

The following proposed Rules will be taken into consideration on Saturday, the 28th November, 1903.

1255. 818(a). Upon the filing of the order of His Majesty in His Privy Council, made upon an appeal to His Majesty in Council, with the officer of the High Court with whom the judgment or order appealed from was entered, he shall thereupon cause the same to be entered in the proper book, and all subsequent proceedings may be taken thereupon as if the decision had been given in the Court below.

818(b). When the judgment of the Supreme Court of Canada in appeal has been certified by the Registrar of the Court to the proper officer of the High Court he shall thereupon make all proper and necessary entries thereof, and all subsequent proceedings may be taken thereupon as if the judgment had been given or pronounced in the High Court. See R.S.C., ch. 135, sec. 6.

1256. 1157(a). When the costs incurred in Canada of an appeal to His Majesty in His Privy Council have been awarded, and the same have not been taxed by the Registrar of the Privy Council, the same may be taxed by the taxing officer of the Supreme Court of Judicature, and the taxation shall be according to the scale of the Privy Council.

1257. Rule 413 is hereby repealed.

1258. 972(a). Costs payable out of the proceeds of lands sold under the Devolution of Estates Act, with the approval of the Official Guardian, shall be taxed by the senior Taxing Officer.

972(b). The Official Guardian shall deposit in the Accountant's Office a Statement, certified by the proper officer, showing the distribution of the proceeds of lands sold or mortgaged with his approval; and proof of the dates of births of the infants interested.

972(c). All moneys received by the Official Guardian on behalf of infants, lunatics, absentees, or other persons for whom he acts, shall, unless otherwise ordered by a Judge of the High Court in Chambers, be paid into Court.

972(d). Moneys paid into Court under the next preceding rule to the credit of infants, shall be paid out to them when they attain their majority, or sooner if so ordered by a Judge of the High Court in Chambers.

1259. Rule 99 is repealed and the following substituted therefor:

99. The business of the Weekly Sittings shall be as follows: Tuesday and Friday, Chambers. Monday, Wednesday and Thursday, Court.

1260. Rule 1245 is repealed, and the following is substituted for form No. 6, section 3 of the Appendix:

(Add to the above forms for money claims in No.'s 4 and 5), and the plaintiff claims \$ for costs; and if the amount claimed be paid to the plaintiff or his solicitor within the time allowed for appearance, further proceedings will be stayed.

OSGOODE HALL,

31st October, 1903.

(N.B. It is to be observed that the Judges in the amendments as actually adopted made changes in Rules 1256 and 1257 and added another Rule as No. 1261.)

The following gentlemen were then called to the Bar: Messrs. W. R. Givens, H. R. Frost, and A. S. Williams.

Mr. Walkem drew attention to the order of Convocation of 25th September last, whereby the letter (17th Sept.) of the Secretary of the Nova Scotia Barristers' Society was referred to the Reporting Committee for consideration and report; and now moved that all the correspondence on the subject be referred to the Reporting Committee, and that the Committee be requested to report at the next meeting of Convocation.—
Carried.

FRIDAY, Dec. 4th.

Present: The Treasurer and Messrs. Aylesworth, Bayly, Gibbons, Hoskin, Lynch-Staunton, Martin, McPherson, Riddell, Ritchie, Robinson, Shepley, Thomson and White.

Dr. Hoskin, Chairman of the Discipline Committee, drew attention to the petition of Mr. William Myddleton Hall, who was on the 31st day of May, 1895, disbarred, praying restoration to his former position in the Society. Ordered that the petition be referred to the Discipline Committee and that notice be given to the Benchers that the Report of the Discipline Committee will be taken into consideration on the 4th day of February, 1904, being the first day of meeting in Hilary Term.

Ordered that Mr. Edward Kenrick, Barrister at Law, do receive his certificate of fitness in pursuance of R.S.O., chapter 173, section 5, sub-section 2.

Mr. Ritchie from the Reporting Committee reported as follows: That it has considered the correspondence on the subject of the annotation of the Dominion Statutes referred to it by Convocation on 20th November last and desires to make further enquiries before reporting finally. The report was adopted.

Mr. Shepley moved: That in view of the recent Act respecting the retirement of Judges, the whole subject of the status of retiring Judges with regard to practising be referred to the Discipline Committee, to make an enquiry of a purely domestic nature and to report. Adopted and ordered accordingly.

STATEMENT OF

RECEIPTS AND EXPENDITURE

OF THE

LAW SOCIETY

FOR THE YEAR ENDING 31st OF DECEMBER, 1903.

(PURSUANT TO R.S.O. CHAPTER 172, SECTION 53.)

The figures on the left are the corresponding items for the year 1902.

RECEIPTS.

1902		1903
	Solicitors' Certificates :	
	Paid after the beginning of the year, but	
\$4,182 00	payable the Michaelmas previous.....\$	4,020 10
681 90	Fines Collected.....	143 00
	Fees and fines in arrear prior to the preced-	
927 50	ing Michaelmas.....	1,338 00
21,840 00	Payable in Michaelmas of the current year.	22,020 00
27,631 40		\$27,521 10
	Barristers' Annual Fees :	
	Paid after the beginning of the year, but	
574 00	payable the Michaelmas previous.....	550 00
	In arrear prior to the Michaelmas of the	
206 00	preceding year.....	148 00
2,840 00	Payable in Michaelmas of the current year.	2,900 00
3,620 00		3,598 00
118 00	Notice Fees.....	97 00
2,600 00	Students' Admission Fees.....	2,650 00
76 00	Fees on Petitions and Diplomas.....	71 00
6,910 00	Law School Tuition Fees.....	6,800 00
3,305 00	Solicitors' Examination Fees.....	2,590 00
	Call Fees under 57 Vict. cap. 44 and other	
1,300	Cases..... \$	300 00
5,465	Call Fees in Ordinary Cases.....	4,210 00
6,765 00		\$ 4,510 00
\$ 51,025 40	Carried forward.....	\$47,837 10

\$51,025 40	Brought forward.....	47,837 10
	County Library Loans returned:—	
30 00	Essex	30 00
34 50	Peterboro'	34 50
52 50	Leeds	52 50
36 00	Grey	18 00
32 50	Perth.	32 50
50 00	Lindsay	50 00
235 50		217,50
47 74	Commission on Telegraph Messages.....	55 71
2,333 48	Interest and Dividends	2,530 06
5 40	Fines in respect of Students' Lending Library	7 20
	Grant from Ontario Government in aid of Telegraph and Telephone Service	175 00
175 00	Subscriptions for Statutes for 1902.....	
34 00	“ “ “ “ 1903.....	26 00
504 00	“ “ “ “ 1904.....	600 00
538 00		626 00
	Proceeds of Sale of Law reports received from Assignee of Roswell & Hutchison..	270 81
54,360 52	Grand Total	51,719 38
	Received from the publishers of the Consolidated Digest pursuant to contract on sale of manuscript.....	8,000 00
10,000 00		

EXPENDITURE.

REPORTS —

3,440 16	Printing Reports.....	2,587 28
	Salaries:—	
2,000 00	Editor.....	2,000 00
1,200 00	Reporter, Q. B. D.	1,200 00
1,200 00	“ C. P. D.	1,200 00
1,200 00	“ Chy. D.	1,200 00
1,200 00	“ “	1,200 00
1,200 00	“ Court of Appeal.....	1,200 00
1,200 00	“ Practice Cases.....	1,200 00
9,200 00		9,200 00
\$12,640 16		11,787 28

COST OF CONSOLIDATED DIGEST:—

	Amount paid to the Editor-in-Chief, Mr. J. F. Smith, as progressive payments on account of the compilation.....	1,875 00
1,875 00	Stationery, Material and Advertising.....	13 85
37 05	Insurance.....	117 90
235 80		
2,147 85		2,006 75

LAW SCHOOL:—

Salaries:—

5,000 00	Principal.....	5,000 00
6,000 00	Four Lectures at \$1,500 each.....	6,000 00
1,650 00	Salaries of Examiners.....	1,650 00
\$14,788 01	12,650 00 Carried forward.....	12,650 00 \$13,794 03

\$14,788 01	\$12,650 00	Brought forward	\$12,650 00	\$13,794 03
182 50		Scrutineers at Examinations.....	197 50	
52 40		Principal's expenses attending American Bar Association		
343 85		Printing and Stationery.....	292 35	
766 88		Scholarships and Medals.....	728 41	
		Caretaking, Light, Heating, Furniture and Maintenance.....	949 74	
817 94				
\$14,813 57				14,818 00

LIBRARY :—

3,480 18	Books purchased.....	3,629 14
555 34	Binding and Repairs.....	317 75
214 69	Maintenance including Stationery	98 68

Salaries :—

1,800 00	Librarian.....	1,800 00
1,000 00	Asst. Librarian.....	1,000 00
	Attendance during even-ings.....	182 25
2,982 25		2,982 25
7,232 46		7,027 82

LAW COSTS :—

100 00	Solicitor's Allowance.....	100 00
973 39	Taxed Costs and Counsel Fees.....	402 57
1,073 39		502,57
695 20	TELEGRAPH AND TELEPHONE OFFICE	691 70

LIGHT, HEATING, WATER, GROUNDS AND INSURANCE :—

	Payment to Ontario Government for Steam Heating	890 00
890 00	Lighting	700 03
729 18	Heating	108 39
112 52	Water.....	202 11
128 30	Grounds.....	1,094 63
995 21	Insurance on East Wing and Library.....	
250 00	Insurance on Law School.	
250 00	Insurance on all property at Osgoode Hall for three years.....	1,583 70
5 00	Insurance on Books at Bindery.....	5 00
	Rent for Safe Deposit Drawer for Inventories	8 00
8 00		

	Workmen's Risks and Insurance on work in progress.....	87 93
3,368 21		\$ 4,679 79

ADDITIONS, ALTERATIONS, REPAIRS AND FURNITURE

244 99		2,372 38
\$42,215 83	Carried forward.....	\$43,886 29

\$42,215 83

Expenditure—Brought forward.....

\$43,886 29

COUNTY LIBRARIES AID :—

Annual Grants.

\$ 175 00	Brant	\$ 180 00
83 67	Bruce	71 67
525 00	Carleton	545 00
160 00	Elgin	170 00
151 66	Essex	166 67
120 17	Frontenac	122 00
81 34	Grey	103 34
515 00	Hamilton	574 90
101 34	Hastings	110 67
215 00	Huron	221 34
251 67	Kent.....	201 67
176 66	Leeds	196 67
195 00	Lindsay	190 00
497 50	Middlesex	497 50
55 00	Norfolk	55 00
149 17	Ontario.....	96 67
113 34	Perth	113 34
163 00	Peterborough	168 00
224 44	Rainy River, including special grant....	
	Rainy River	105 00
153 66	Simcoe	114 67
77 50	Stormont	85 00
117 50	Waterloo	55 10
30 00	Welland.....	
173 00	Wellington	195 00
800 00	York	800 00
<hr/> 5,305 62		<hr/> 5,139 21
200 00	Payment to Inspector for 1902.....	
	“ “ “ 1903.....	200 00

LOANS :

150 00	Hastings	
	Stormont.....	300 00
5,655 62		<hr/> 5,639 21

SECRETARIAT AND CARETAKING :—

1,500 00	Secretary's Salary	1,500 00
100 00	Auditor's Fee	100 00
525 00	Caretaker's Wages	660 00
253 67	General Expenses and Housecleaning	172 56
2,378 67		<hr/> 2,432 56

265 07

PRINTING, ADVERTISING AND STATIONERY.

178 95

Printing and distribution of the Rules of
Law Society

324 29

\$50,515 19

Carried forward

52,461 30

\$50,515 19	Expenditure—Brought forward.....	\$52,461 30
	SUPREME COURT REPORTS :—	
1,943 75	Subscription to Vol. 32 as per contract with the Government	
	Subscription to Vol. 33 as per contract with the Government	1,925 50
	STATUTES :—	
465 04	Payments made for supply of Ontario and Dominion Statutes to members of the Profession subscribing through the Law Society	754 75
121 50	COMMITTEE ON UNLICENSED CONVEYANCERS	
	MISCELLANEOUS :—	
	Portraits	400 00
290 20	Term Lunches.....	338 00
250 00	Grant to Widow of the late Secretary....	250 00
74 26	Postage	83 56
5 08	Telegrams	10 87
3 00	Rent of Box in Safe Deposit Vaults.....	3 00
16 55	Ice for the year.....	16 75
5 91	Miscellaneous	87
1 10	Express and Freight Charges.....	10 71
10 00	Grant in aid of Circuit Guide	10 00
656 10		1,123 76
<u>\$53,701 58</u>		<u>\$56,265 31</u>

Audited and found correct.

W. H. CROSS, Auditor.

TORONTO, 8th January, 1904.

LAW SOCIETY OF UPPER CANADA.

Thursday, Feb. 4th, 1904.

Present:—The Treasurer and Messrs. Barwick, Bruce, Guthrie, Hoskin, McKay, McPherson, Ritchie, Robinson, Strathy, Thomson, Walkem, Watson and White.

Ordered upon a report of the Discipline Committee that, in the matter of the complaint of Mr. T. R. Ridgeway against Mr. A. B., the complainant be informed that he has a remedy at law.

In the matter of Mr. William Myddleton Hall, who had been disbarred 31st May, 1895, and struck off the Solicitors' Roll on 29th June, 1895, and had in Michaelmas Term, 1903, presented a petition for restoration which had been referred to the Discipline Committee, Dr. Hoskin from said Committee reported as follows:—That they have considered the application of Mr. Hall to be re-instated as a Barrister and Solicitor and member of the Law Society. That they have been furnished with a declaration made by the said William Myddleton Hall which sets forth the character of the work in which he has been engaged since his name was erased from the books of the Society. In view of the facts therein set forth and the length of time which has elapsed since he was disbarred and struck off the Rolls, the Committee respectfully suggest that if the said William Myddleton Hall should be advised to make an application to the Court for re-instatement as a barrister and solicitor, the Society interpose no objection and that, if necessary, a Benchet should be requested to appear in Court, or Counsel retained, to express to the Court the assent of Convocation to Mr. Hall's restoration.

The report was received and adopted.

Dr. Hoskin from the same Committee reported as follows upon the question of the status of retired Judges with regard to practising:—That they have considered the matter referred to in the resolution of 4th December, 1903, and would respectfully suggest to Convocation that the Committee be more explicitly instructed as to the matters which Convocation may desire to be considered and reported upon.

Ordered that the report be referred back for further consideration upon instructions to be given by Convocation to the Committee.

Ordered upon a report of the Legal Education Committee that the applications of Mr. G. G. Ruel of the Bar of New Brunswick, and Mr. J. A. Primeau of the Bar of Quebec be referred to a Special Committee to examine them touching their qualifications for call to the Bar of Ontario. That the petition of Mr. J. R. Green be refused and that the petitions of Mr. F. H. Hurley and Mr. K. Langdon be granted.

Ordered that Mr. F. E. Nelles, a solicitor of over ten years' standing, be called to the Bar.

A letter from the Law Society of the North-West Territories, dated 14th January, 1904, was read and ordered to be fyled, in which it was stated that the following provision was now included in the Rules of said Society:—"That the Attorney-General or Solicitor-General of Canada, while occupying such position be entitled to practise in the Territorial Courts and be entitled to all the privileges of a member of the Territorial Bar without enrolment or payment of any fees, provided such Attorney-General or Solicitor-General is a member of the Bar of a Province which would admit under similar circumstances an Advocate of the Territories occupying the position of Attorney-General or Solicitor-General."

The letter dated 20th January, 1904, of the County of Carleton Law Association, stating that in their opinion any change from the present period of Long Vacation would occasion great inconvenience to the profession and would be in many ways otherwise undesirable; and the letter dated 29th January of the County of Brant Law Association, recommending a change of the date of commencement of Long Vacation to a date between July 20th and August 1st, to extend for two months as heretofore, were read, and ordered to be fyled.

It was resolved that, in view of Convocation being informed that the Judges of the Supreme Court of Judicature are about, at an early day, to consider the propriety of making some change in the term of the Long Vacation, Convocation is of

opinion that the Long Vacation should begin on the 1st of July in each year and extend to the 15th of September following, and that a copy of this resolution be transmitted to the Judges with the respectful request that it be considered by them.

A card inviting the attendance of a representative to the Universal Congress of Lawyers and Jurists to be held at St. Louis on the 28th to 30th days of September, 1904, was read. Ordered that same be acknowledged and that the letter of acknowledgment state that the representatives will be named at a future date.

The Special Committee appointed to examine Mr. G. G. Ruel as to his qualifications for call, having reported that his qualifications were satisfactory, it was ordered that he be called to the Bar.

Friday, February 5th, 1904.

Present:—The Treasurer and Messrs. Aylesworth, Guthrie, McPherson, Ritchie, Shepley, Strathy and Thomson.

The report of the Library Committee was presented, and it was ordered that same be printed and distributed to the profession in the usual course.

The Special Committee appointed to examine Mr. J. A. Primeau as to his qualifications for Call, having reported that same were satisfactory, it was ordered that Mr. Primeau be called to the Bar.

The following gentlemen were then introduced and called to the Bar: Messrs. Frederic Ernest Nelles, Gerard Godfrey Ruel and Joseph Alphonse Primeau.

The following instructions were given to the Discipline Committee to meet the report of that Committee presented yesterday.

Convocation desires the Committee:

(1) To examine the recent statute of the Dominion making provision for the retirement of Judges and any and all statutes either of the Dominion or of the Province which deal in any way with the retirement of Judges and with their status and possible duties.

(2) To make enquiries into any cases which there have been in this Province where Judges have resumed practice after retirement with compensation, furnishing Convocation, so far as practicable, with a historical résumé of such cases and making such comment upon the cases or any of them as may seem expedient or proper.

(3) In the light of such information as may be obtained by the examination of the Statutes and the historical enquiry above suggested, to consider and report upon the expediency of a policy which permits Judges who have retired with either full or partial compensation to resume practice, having regard among other things to its relation to and bearing upon the interests of the members of the Society.

It was moved by Mr. Strathy, seconded by Mr. Thomson and ordered that Mr. Aylesworth's kind and valuable donation of beautifully bound printed documents, maps, views, *et cetera*, used before the Alaska Boundary Tribunal be acknowledged by the Secretary, and that he express to Mr. Aylesworth the thanks of the Law Society for the kind consideration which prompted the gift.

Friday, February 12th.

Present: The Treasurer and Messrs. Bayly, Bruce, Chrysler, Lynch-Staunton, McPherson, Ritchie, Robinson and Watson.

Ordered, upon a report of the County Libraries Committee, that the Carleton Law Association be furnished with a duplicate set of the Reports published by the Law Society, so far as the stock of reports now owned by the Society will extend.

The letter, dated 8th. inst, of Mr. J. A. McAndrew, Clerk of the Supreme Court of Judicature, stating that at a recent meeting of the Judges it had been ordered that the question of the extension of Long Vacation had been deferred for the present, was read.

Mr. Watson, from the Finance Committee, presented the statement of receipts and expenditure for the year 1903, which was ordered to be printed and distributed to the profession.

Mr. Watson, from the same Committee, reported as follows: That the Finance Committee has in pursuance of the direction of Convocation given on 19th November, 1903, entered into correspondence with the view to obtaining a renewal of the contract with the Dominion Government for the supply of the Supreme Court Reports to the profession on better terms than those at present existing. That the Department of Justice has refused to concede any reduction in the price at which the Law Society now obtains the Supreme Court Reports, namely, one dollar and twenty-five cents a copy. The letters of the Registrar of the Supreme Court and of the Deputy Minister of Justice are submitted herewith.

Mr. Watson stated that the contract had accordingly been renewed at the price of \$1.25 a copy for three years from the end of the volume now current. The report was adopted.

Mr. Ritchie from the Reporting Committee presented the report of the Editor on the state of the reporting.

Ordered on motion of Mr. Ritchie, seconded by Mr. Bayly, that the Compiler of the Consolidated Digest be instructed to insert therein an inscription in memory of the late B. B. Osler, K.C., in such form as may be approved of by a Committee composed of the Treasurer, Mr. Robinson, Mr. Shepley, Mr. Aylesworth and the mover.

Law Society of Upper Canada.

*To the Treasurer and Benchers
in Convocation Assembled.*

The Library Committee beg leave to report as follows:—

Your Committee submit herewith the Librarian's Report for the year 1903, and recommend that the said Report be printed and distributed.

A. B. AYLESWORTH,
Chairman.

JANUARY 30th, 1904.

THE LIBRARY, OSGOODE HALL,

TORONTO, JANUARY 29th, 1904.

*To the Chairman and Members of the Library
Committee of the Law Society of Upper Canada.*

The Librarian begs to submit his Report for the year 1903, as follows: —

The total expenditure in connection with the Library during the year was \$7,027.82 disbursed as follows:—

Books and Periodicals,	- -	\$3,441.20
Binding,	- - - -	317.75
Re-binding, Repairs, etc.	-	181.89
Stationery and Sundries.	-	104.73
Salaries,	- - - -	2,982.25
		<hr/>
		\$7,027.82

A detailed statement of the expenditure for books and periodicals accompanies this Report; also an estimate of the expenditure for the current year.

The number of bound volumes added to the Library during the year was 930, of which 647 were purchased, 206 were taken as periodicals and subsequently bound, and 77 were presented. A classified list of the accessions and a list of the volumes presented will be found appended to this Report. The bound volumes in the Library now number 33,802.

Among the noteworthy additions to the Library may be mentioned the complete collection of beautifully bound printed documents, maps, views, etc., used before the Alaska Boundary Tribunal, which were pre-

sented by your Chairman, Mr. A. B. Aylesworth, K.C., one of the Commissioners; also a set of the three rare volumes of Maritime Law Cases, 1860-1871.

The Librarian begs to recommend that the policy of acquiring for the Library as complete a collection as possible of the Statutory and Case Law of English-speaking countries be continued, and that as a further step in this direction he be authorized to arrange for the purchase from time to time of the Reports and Statutes of British colonies and dependencies as opportunity may offer itself.

The evening attendance in the Library was about the same as that of last year. The Library was open on 241 evenings, and the attendance was as follows:—

	Total.	Average.
Barristers, - -	989	4.10
Students, - -	1,625	6.74
	<hr/>	<hr/>
	2,614	10.84

The Librarian regrets having to report that the disgraceful practice of defacing books with pencil and even with pen-marks is still common, and that very little can be done in the way of checking it because of the difficulty of detecting offenders.

All of which is respectfully submitted.

W. GEO. EAKINS,
Librarian.

EXPENDITURE.

Books, periodicals, etc.:—	
Books and Pamphlets	\$2,882 88
Periodicals	432 43
Stamping	30 30
Freight, brokerage, etc.	95 59
	<hr/>
	\$3,441 20
Binding	317 75
Re-binding, repairs, etc.	181 89
Stationery and Sundries	104 73
Salaries	2,982 25
	<hr/>
	\$7,027 82

ESTIMATED EXPENDITURE, 1904.

Books, periodicals, etc.:—	
Books and Pamphlets	\$4,100 00
Periodicals	500 00
Stamping	75 00
Freight, brokerage, etc.	100 00
	<hr/>
	\$4,775 00
Binding	325 00
Re-binding, repairs, etc	225 00
Stationery and Sundries	200 00
Salaries	2,975 00
	<hr/>
	\$8,500 00

ACCESSIONS, 1903.

	VOLS.	COST.
Texts—Canada	9	\$ 47 00
United Kingdom	70	324 66
United States	36	173 70
Reports—Canada	53	128 72
United Kingdom	104	467 41
Australasia	12	200 12
India	8	30 00
South Africa	2	25 50
United States	219	795 36
Statutes—Canada	25	23 50
United Kingdom	17	35 54
Australasia	3	35 00
United States	53	138 09
Digests and Indexes	82	219 66

Parliamentary	83	93 90
Miscellaneous (including periodicals).....	121	302 28
General Literature	33	150 72
	<hr/>	<hr/>
	930	\$3,191 16
Volumes Purchased.....	647	
Volumes Bound for the Library.....	206	
Volumes Presented to the Library	77	
	<hr/>	
	930	

PRESENTATIONS.

	VOLS.
Dominion Government—Sessional papers, etc.....	5
Ontario Government—Statutes, Sessional Papers, etc.....	18
Quebec Government—Journals and Sessional Papers.....	4
Nova Scotia Government—Statutes.....	1
New Brunswick Government—Journals and Statutes.....	3
Manitoba Government—Statutes and Sessional papers.....	2
British Columbia Government—Statutes and Sessional Papers..	2
North-West Territories Government—Ordinances'...	1
Newfoundland Government—Statutes.....	1
Minister of Education—Doc. Hist. of Education, U.C. vol. 10...	1
A. B. Aylesworth, Esq., K. C.—Alaska Boundary Tribunal Papers, etc.....	15
C. B. Labatt, Esq.—Treatises and Articles on Legal Subjects..	1
“ Australian Jurist.....	5
“ Quick & Garron's Australian Constitution...	1
D. H. Olmstead—Reforms in Land Transfer	1
D. C. Ross—Hamilton By-laws, revised, 1899.....	1
National Trust Co.—Surrogate Court Rules, revised	5
Dominion Government—Royal Tour in Canada (Pope).....	1
Librarian Supreme Court, Queensland—Catalogue of Library...	1
New York State Library—Annual Report	1
U. S. Commissioner of Education—Annual Report	3
Toronto City Clerk—City Council Minutes.....	1
Secretary of Hawaii—Laws of Hawaii, 1903.....	1
Secretary of Commonwealth, Massachusetts—Mass. Acts. 1903..	1
Lawyer's Co-Operative Co.—Index to Notes in L.R.A., vols. 1-58.	1

Proceedings of the
LAW SOCIETY OF UPPER CANADA.

EASTER.

Thursday, May 19, 1904.

Present: The Treasurer, The Attorney-General (Honourable J. M. Gibson); Messrs. Barwick, Bayly, Bruce, Clarke, Foy, Glenn, Guthrie, Hogg, Hoskin, Lynch-Staunton, McKay, McPherson, Ritchie, Robinson, Shepley, Strathy, Thomson, Walkem, Watson and Wilson.

On motion of Dr. Hoskin, seconded by Mr. Bayly, Mr. Irving was elected Treasurer for the ensuing year. 52

The following gentlemen were appointed a Special Committee to strike the Standing Committees for the ensuing year:—Messrs. Hoskin, Walkem, Strathy, and Robinson. Dr. Hoskin, on behalf of the Special Committee, reported a list of members to compose such Standing Committees. The report was adopted, the list being as follows:—

FINANCE.—Messrs. A. B. Aylesworth, Walter Barwick, A. H. Clarke, G. C. Gibbons, John Hoskin, W. D. McPherson, W. R. Riddell, C. H. Ritchie, G. F. Shepley, H. H. Strathy, R. T. Walkem, G. H. Watson, W. R. White (and a vacancy to be filled).

LEGAL EDUCATION.—Messrs. Walter Barwick, R. Bayly, J. M. Glenn, D. Guthrie, John Hoskin, Z. A. Lash, G. Lynch-Staunton, W. D. McPherson, W. R. Riddell, C. H. Ritchie, C. Robinson, H. H. Strathy, D. E. Thomson, G. H. Watson.

REPORTING.—Messrs. Walter Barwick, J. J. Foy, D. Guthrie, W. D. Hogg, Z. A. Lash, G. Lynch-Staunton, S. G. McKay, W. D. McPherson, C. H. Ritchie, G. F. Shepley, D. E. Thomson, R. T. Walkem, M. Wilson (and a vacancy to be filled).

DISCIPLINE.—Messrs. Walter Barwick, R. Bayly, A. Bruce, J. J. Foy, W. D. Hogg, John Hoskin, W. Kerr, S. G. McKay, W. D. McPherson, C. Robinson, G. F. Shepley, H. H. Strathy, G. H. Watson, W. R. White.

LIBRARY.—Messrs. A. B. Aylesworth, S. H. Blake, J. M. Glenn, G. Lynch-Staunton, D. B. Maclellan, W. R. Riddell, C. H. Ritchie, C. Robinson, G. F. Shepley, G. H. Watson, M. Wilson (and a vacancy to be filled).

JOURNALS AND PRINTING.—Messrs. A. B. Aylesworth, R. Bayly, A. Bruce, F. H. Chrysler, A. H. Clarke, J. J. Foy, G. C. Gibbons, J. M. Glenn, W. Kerr, D. B. Maclellan, D. E. Thomson, W. R. White.

COUNTY LIBRARIES.—Messrs. A. Bruce, F. H. Chrysler, G. C. Gibbons, J. M. Glenn, D. Guthrie, W. Kerr, S. G. McKay, H. H. Strathy, R. T. Walkem, M. Wilson (and two vacancies to be filled).

Mr. Cross was appointed Auditor for the current year ending the first day of Easter Term, 1904.

The Treasurer announced that Edward Martin, one of His Majesty's Counsel for Ontario, learned in the law and a member of Convocation, had died on the 14th February, 1904, at his residence at Hamilton. Ordered that a Call of the Bench be made for Friday, the 3rd day of June, for the election of a Benchman to fill the vacancy caused by the death of the late Edward Martin.

The Treasurer announced that Mr. John Idington, one of His Majesty's Counsel for Ontario, learned in the law and a Benchman of the Law Society, had on the 16th of March, 1904, been appointed a Judge of the Supreme Court of Judicature for Ontario, a Justice of the High Court of Justice for Ontario, and a member of the Exchequer Division of the High Court of Justice. Ordered that a Call of the Bench be made for Friday, the 3rd day of June, 1904, to elect a Benchman in the room of the Honourable John Idington, whose seat as a member of Convocation had become vacant.

The Treasurer announced that the Honourable Thomas Robertson had given him an opportunity to peruse, inspect and take copy for the purposes of the Law Society of certain Letters Patent under the Great Seal of Canada, dated and passed at Ottawa, 18th April, 1904, and laid on the table an examined copy of the said letters patent. The subject, including the copy

of the letters patent, was referred to the Committee on Journals and Printing to report upon the right of the Honourable Thomas Robertson as a retired Judge of the Supreme Court of Judicature for Ontario to be *ex-officio* a Bencher of the Law Society under R.S.O. chapter 172, section 4.

The report of the Discipline Committee upon the complaint of Messrs. Thomas Brothers, Limited, against Mr. A. B., barrister and solicitor, that the complainants have their remedy in the Courts and that this is not a matter for the Committee's consideration was adopted.

Dr. Hoskin from the Discipline Committee reported that the Committee had made some progress in the consideration of the matters referred to the Committee on the 4th and 5th of February in last Term.

Mr. McPherson from the Special Committee appointed in Easter, 1901, on the subject of conveyancing by others than solicitors, reported the introduction in the Legislative Assembly of a Bill intituled "The Conveyancers' Act," and the defeat of same by a majority of eight; and recommended that the Committee be continued with authority to arrange for the re-introduction of the Bill, either in the same form or with such modifications as the Committee may suggest and Convocation approve, at as early a date in the future as may be deemed wise. The report was adopted.

It was resolved that Mr. William Myddleton Hall, who had on the 31st day of May, 1895, been disbarred, be restored.

Mr. Watson from the Finance Committee reported:—That a letter dated 10th March, 1904, was received from Mr. Edward Bayly, barrister-at-law, a grandson of the late Honourable John Wilson, a Judge of the Court of Common Pleas, stating that his family desired to present to the Law Society a portrait in oils of the late Mr. Justice John Wilson; that the Committee had accepted the gift and expressed on behalf of the Society its appreciation of the same. The portrait has been hung on the stairway of the entrance hall. The report was adopted and the correspondence directed to be entered on the minutes.

Mr. Watson from the Finance Committee presented a draft

of the estimates of receipts and expenditure for the current year.

Mr. Clarke, on behalf of the Committee on Journals and Printing, presented the following report:—

That Edward Martin, K.C., a member of Convocation, died on the 14th of February, 1904, at his residence at Hamilton.

Mr. Martin was admitted as a student-at-law in Michaelmas Term, 1850, and was called to the Bar in Michaelmas Term, 1855.

He was elected a Benchers in Hilary Term, 1874, and was re-elected at the several general elections held before Easter Term in the years 1876, 1881, 1886, 1891, 1896 and 1901.

Mr. Martin was appointed one of Her Majesty's Counsel on 13th March, 1876, by the Lieutenant-Governor in Council, and on 25th October, 1885, by the Governor-General in Council.

At the time of his death Mr. Martin was the senior living Benchers, and Convocation thinks it fitting to place upon record its grateful recognition of the untiring, unselfish and invaluable services rendered by him during many long years to Convocation and the profession.

The letter of Mr. N. D. Beck, President of the Law Society of the North-West Territories, with a copy of the Rules of that Society, and written with a view to obtaining terms of reciprocity in the admission of practitioners, was read and referred to the Legal Education Committee for report.

Ordered that the notice for Call given by Mr. H. S. Blackburn, a solicitor of over ten years' standing, do remain posted until the 28th June.

The letter dated 12th March, 1904, of Mr. J. A. McAndrew, Clerk of the Supreme Court of Judicature, was read, stating that at a meeting of the Judges held that day the matter of changing the dates of Long Vacation was considered, and that it had been ordered that no change be made at present, but that the Judges will endeavor, as far as possible, to hold no Courts or Chambers before the 15th day of September in each year.

Friday, May 20, 1904.

Present: The Treasurer, and Messrs. Barwick, Clarke, Foy, Hogg, Hoskin, McPherson, Riddell, Shepley, Strathy, Thomson, Watson and Wilson.

Ordered that the usual barrister's certificate do now issue to Mr. William Myddleton Hall, who has been restored as a member of the Society upon payment of the usual fee of two dollars.

Ordered, upon a report of the Legal Education Committee, that the following gentlemen be called to the Bar and do receive their certificates of fitness:—Messrs. A. D. George (with honours and silver medal), A. F. Aylesworth, J. R. Green, F. R. MacKelcan, C. V. Bennett (all with honours); also Messrs. F. Babe, A. A. Ballachey, A. A. Winter, D. G. M. Galbraith, W. G. Mahaffy, J. A. Donald and G. W. P. Hood. That Mr. J. H. Hancock be called to the Bar, and that he do receive his certificate of fitness upon furnishing proper proofs of completion of his service (which expires during Long Vacation). That Mr. C. V. Bennett's petition for allowance of service be granted. That the petitions of Mr. D. C. McCallum and Mr. J. B. Bartram be refused.

Ordered that the report of the Legal Education Committee upon the petition of Mr. E. P. Brown be not adopted, and that the application be refused.

The report of the Principal of the Law School for the session of 1903-04 was presented by the Legal Education Committee as follows:—

THE LAW SCHOOL,

OSGOODE HALL, 16th May, 1904.

Z. A. LASH, Esq., K.C.,

Chairman, Legal Education Committee.

DEAR SIR,

I beg to report as follows in regard to the term of the Law School 1903-1904 just closed.

1. The number of students who registered was:—

First Year.	45
Second Year.	48
Third Year.	43

 136

and one special student.

Of the first year two students withdrew during the term; of the second year also, two withdrew.

2. I transmit herewith Schedule A. giving the names of students who have duly attended the lectures, and Schedule B. giving the names of those who for good and sufficient cause failed to attend the prescribed number.

3. The number of lectures delivered during the term was as follows:—

The Principal.	221
Mr. Armour, K.C.....	100
Mr. Marsh, K.C.....	104
Mr. King K.C.....	96
Mr. McGregor Young.....	110

 631

4. As in previous years we had a valuable course of lectures delivered by Judges and others. I annex hereto for the information of the Committee the schedule of these lectures.

MORNING LECTURES 9.00 A.M.

Jan.	15th.	The Law of Costs.—W. E. Middleton, Esq.
"	22nd.	do. do. do.
"	29th.	Interlocutory Applications.—John H. Moss, Esq.
Feb.	5th.	Preparation for Trial.—N. W. Rowell, Esq., K.C.
"	12th.	Certiorari and Prohibition.—W. H. Blake, Esq., K.C.
"	19th.	The Joint Stock Companies' Acts.—C. A. Masten, Esq.
"	26th.	Do. do. do.

Attendance at these Lectures was voluntary.

AFTERNOON LECTURES 4.30 P.M.

- Jan. 15th. **Legal Ethics.**—The Hon. Sir John A. Boyd,
K.C.M.G., Chancellor of Ontario.
- “ 22nd. **The Municipal Act.**—The Hon. Charles Moss,
LL.D., Chief Justice of Ontario.
- “ 29th. **The Municipal Act.**—Geo. F. Shepley, Esq., K.C.
- Feb. 5th. **The Municipal Act.**—The Hon. Sir W. R. Meredith,
LL.D., Chief Justice of the Common Pleas.
- “ 12th. Do. do. do.
- “ 19th. Do. do. do.
- “ 26th. **The Course of a Trial at Nisi Prius.**—A. B.
Aylesworth, Esq., K.C.
- March 4th. **Procedure Under Winding Up Acts.**—His Honour
Judge Hodgins, Judge of the Admiralty Court.
- “ 11th. **The Lawyer as a Man of Business.**—Walter Barwick,
Esq., K.C.

Attendance at these Lectures was obligatory.

I regret that owing to illness Mr. Barwick, K.C., was unable to give the lecture kindly promised by him.

5. The average attendance during the term was as follows:—

First Year.	40
Second Year.	42
Third Year.	37

6. I have again the pleasure of reporting that the discipline and attention paid was all that could be desired.

7. I have forwarded under a separate cover the annual report as to the Phillips Stewart Library.

8. I recommend that Foote's Private International Jurisprudence be substituted as a text-book for the third year in the place of Westlake's Private International Law, and that the new edition (1904) of Clement's Canadian Constitution be substituted for the same class instead of the first edition.

9. I desire to call the attention of the Committee to the fact that the student in the second year who won the highest scholarship in May, 1903, did not continue his course at the

School, but removed to one of the Western Provinces, where he has continued his studies. Is it in the opinion of the Committee desirable that this should be allowed in the future?

10. Some of the recommendations contained in my last report have not yet been fully dealt with. I venture to submit them herewith for the information of the Committee.

I have for some time felt, in view of the very great importance at the present day of a knowledge of Company Law and also of the law relating to municipal bodies, the present curriculum which prescribes these subjects for honour students in the third year only was defective. In my opinion no student should graduate from the school without having been required to obtain some knowledge of these subjects.

I recommend therefore that these subjects be made pass subjects in the third year.

This would involve making some changes in the curriculum, in the way both of redistribution and omission. The curriculum as re-adjusted will be of a more progressive character than it has heretofore been.

The changes which I recommend are as follows:—

(a) In the first year, omit Kingsford's Blackstone, and put on the subject Constitutional History, now part of the second year course, with the proper text-books.

(b) In the second year, I recommend the omission of Smith's Equity, continuing Snell, now read in the first year, for the second year also; from the third year course transfer to this year Underhill on Trusts.

I recommend also that the subject of Constitutional Law be transferred from the third to the second year.

(c) For the third year I recommend that Contracts be left off, and that students be required to take the work in Company Law and Municipal Law now assigned to honour candidates only.

It may not be possible to carry out these changes in their entirety at once; I ask that the principle be approved, and that I be authorized to carry it into effect as soon and in such manner as may be most conveniently done.

In the above recommendations the other members of the staff concur.

Experience has shewn that examination papers of ten questions each in Dominion and Ontario Company Law are not satisfactory. I recommend at the suggestion of the Senior Examiner that these subjects be combined in one paper of twelve questions.

I also recommend, with the concurrence of the Senior Examiner, that the extra three questions for honour candidates in the third year be discontinued.

11. I recommend that Mr. M. A. Macdonald be appointed as Senior Student Librarian during next term. The nomination for the Junior position, I desire to make after the results of the examination in the first year are known.

Yours truly,

N. W. HOYLES.

Ordered that the recommendations made by the Principal be approved. Ordered that the report be referred back to the Committee to consider the complaints which have been made in regard to the conduct of the students.

The report of the librarians of the Phillips Stewart Library to the Principal of the Law School was presented by the Legal Education Committee.

Ordered upon a report of the County Libraries Committee that a loan of \$335 be advanced to the County of Oxford Law Association, repayable in ten yearly payments without interest, this amount not being in excess of the estimated amount of annual grants for the next three years.

The following gentlemen were called to the Bar:—Messrs. A. D. George (with honours and silver medal), A. F. Aylesworth, J. R. Green, F. R. Mackelcan, and C. V. Bennett (all with honours), also Messrs. F. Babe, A. A. Ballachey A. A. Winter, D. G. M. Galbraith, W. G. Mahaffy, J. H. Hancock, J. A. Donald, and G. W. P. Hood.

Moved by Mr. McPherson: That it be an instruction to the Discipline Committee to take up in its discretion matters of

complaint, treating the source or sources of information as confidential where the Committee deems it proper to do so, and employing such competent assistance as may be deemed desirable to secure and present the information necessary to lay such matters of complaint before Convocation. Ordered that this stand as a notice for next meeting.

Ordered, upon motion of Mr. Thomson, seconded by Mr. Barwick, that it be referred to the Committee on Journals and Printing to consider and report on the expediency of making efforts to prevent the practice now common among officials of the Surrogate Courts of supplying information about the affairs of deceased persons to the public press without the consent of the parties interested.

Friday, June 3rd, 1904.

Present: The Treasurer, and Messrs. Aylesworth, Bayly, Bruce, Foy, Gibbons, Guthrie, Hoskin, Lash, Lynch-Staunton, McKay, Maclellan, Ritchie, Robinson, Shepley, Strathy, Thomson, Walkem, Watson and Wilson.

It was moved by Mr. Bruce: That Mr. John Wallace Nesbitt, K.C., be elected Bencher to fill the vacancy caused by the death of the late Edward Martin. Mr. Bruce made some remarks upon the loss sustained by Convocation, as well as the profession, which were listened to by Convocation with the greatest interest. The motion was seconded by Mr. Bayly, and carried.

It was moved by Mr. Shepley, seconded by Mr. Maclellan: That Mr. James Pitt Mabee, K.C., be elected a Bencher to fill the vacancy created by the appointment of Mr. John Idington as a Judge of the Supreme Court of Judicature for Ontario. Carried.

Ordered that Mr. Bruce be appointed a member of the Finance Committee; that the newly elected Bencher, Mr. Nesbitt, be appointed a member of the County Libraries Committee and of the Reporting Committee; that the newly elected Bencher, Mr. Mabee, be appointed a member of the Library Committee and of the Journals and Printing Committee; and Mr. Thomson was, with his acquiescence, transferred from the

Journals and Printing Committee to the County Libraries Committee.

Ordered upon a report of the Legal Education Committee that the following gentlemen be called to the Bar and do receive their certificates of fitness:—Messrs. D. A. McDonald (with honours), E. E. Wallace, J. E. Robertson, A. W. Greene, and D. R. Byers.

Ordered upon a report of the Legal Education Committee that the following gentlemen be allowed their first year examination:—A. Cohen, A. Belanger, A. T. Fisher, T. S. McMorran, J. M. Telford, W. M. Brandon, G. H. Sedgwick, T. E. Wilson, H. L. Hoyles, G. A. Walker, K. F. Mackenzie, C. F. Adams, J. C. Moore, J. A. McEvoy, H. S. Pritchard, H. F. Upper, W. W. Livingston (all with honours); also N. R. Webb, E. R. Read; C. M. Colquhoun and J. P. MacGregor (equal); J. H. Botsford, J. E. L. Goodwill, W. H. McGuire, A. E. Honeywell; J. L. Schelter and G. H. Gray (equal); G. Mitchell, H. M. Barrett, P. S. Shillington, C. L. Bray, W. E. Park, G. N. Gordon, A. H. Britton, O. D. Peat, W. N. Graham, R. G. Agnew, J. S. Davis. That Mr. Cohen do receive a scholarship of one hundred dollars, Mr. Belanger one of sixty dollars, and Messrs. Fisher, McMorran, Telford, Brandon and Sedgwick each one of forty dollars.

Ordered upon a report of the Legal Education Committee that the following gentlemen be allowed their second year examination:—L. Monahan, T. J. Agar, G. B. O'Connor; G. W. Mason, G. S. Hodgson and J. A. Soule (equal); M. G. Powell, G. S. Gibbons, P. G. Price, M. A. Macdonald (all with honours); also J. F. H. McCarthy, C. H. Maclaren, S. G. Crowell, A. A. Magee, J. R. Marshall, F. V. Johns, F. A. Day, H. J. Symington, G. G. Albery, J. R. Bell, R. L. Brackin (subject to allowance of attendance on lectures), R. D. Stratton, A. R. Cochrane, J. A. Ogilvie, H. S. White, J. W. McDonald, G. F. McFarland, B. W. Collison, F. H. Honeywell, C. A. Wright, E. W. Mackenzie, T. N. Phelan, H. S. Hunter, W. W. Denison, N. McColl, H. P. Blackwood and H. S. Lees (equal), W. G. Blackstock, G. H. Cassels, C. A. Irvine. That Mr. Monahan do receive a scholarship of one hundred dollars, Mr. Agar one of sixty dollars, and

Messrs. O'Connor, Mason, Hodgson, Soule and Powell each one of forty dollars.

Mr. Lash drew attention to the case of Mr. E. P. Brown, which had been disposed of at the last meeting of Convocation (20th May). Upon the question whether this case be re-opened with the view to declaring that Mr. Brown's admission be deemed of Easter Term, 1901, and that his service be allowed, it was, on a division, ordered in the affirmative and so declared.

Ordered upon a report of the Committee on Journals and Printing that the Secretary be instructed to notify the Honourable Thomas Robertson that he is entitled to take his seat as an *ex-officio* Benchler of the Society.

Ordered that Mr. Duncan Donald, barrister, be appointed Inspector of County Libraries for the ensuing year at a salary, including his expenses, of \$200.

Mr. Ritchie from the Reporting Committee presented the following report:—

That at a meeting of the Reporting Committee to-day, there being present Messrs. Ritchie, Guthrie, Lash, Thomson, Foy and Shepley, a letter from Mr. J. F. Smith, K.C., compiler of the Consolidated Digest, dated 8th April, 1904, to the Chairman of the Reporting Committee (a copy of which is given below), was read. The Secretary reported that the statement in Mr. Smith's letter as to the amount received by him prior to the date thereof is correct, and that there had on the certificate of the Reporting Committee been paid to Mr. Smith on the 7th May, 1904, the further sum of \$1,949, leaving \$2,426 unpaid. The contract between the Law Society of Upper Canada and Mr. Smith, dated 18th February, 1898, was produced and considered by the Committee. The Committee recommend that the sum of \$2,426 be paid Mr. Smith in full settlement.

(Copy of letter.)

Toronto, 8th April, 1904.

DEAR SIR,

I have to inform you that the printing of the 4th volume of the Consolidated Digest with tables of cases has been completed,

thus finishing the work. The contract price, \$18,200, was agreed to be paid upon the assumption that the amount of material to be worked upon should amount to 5,200 pages. This amount has been exceeded by 216 pages, as appears by the following statement:—

Robinson & Joseph Digest.....	2,368	pages.
10 Years' Digest.....	1,126	“
5 Years' Digest.....	528	“
Subsequent 5 years.....	571	“
Table of cases reversed, etc.....	75	“
Table of cases in the Digest doubled with volume and page of report.....	744	“
List of Judges.....	4	“

5,416 pages.

The full amount of the balance of the contract price is therefore due. The amount received to the present is \$13,825, leaving \$4,375 to be paid.

I am,

Truly yours,

J. F. SMITH.

C. H. RITCHIE, Esq., K.C.,
Chairman.

The report of the Reporting Committee was taken into consideration and adopted, and it was ordered that the sum of \$2,426 be paid in accordance with the report.

The following gentlemen were called to the Bar:—Messrs. D. A. McDonald (with honours), E. E. Wallace, J. E. Robertson, A. W. Greene and D. R. Byers.

Mr. McPherson's notice of motion relating to matters of discipline was ordered to stand over until the first day of meeting in Trinity Term.

Tuesday, 28th June, 1904.

Present: The Treasurer and the Honourable Thomas Robertson, Messrs. Bruce, Guthrie, Nesbitt, Riddell, Ritchie, Shepley, Strathy and Thomson.

The Honourable Thomas Robertson took his seat as a Bencher *ex-officio* for the first time.

Ordered upon a report of the Legal Education Committee that Messrs. F. M. Burbidge and E. P. Brown be called to the Bar and do receive their certificates of fitness (Mr. Burbidge to be called with honours). That the petitions of Mr. H. M. Deroche and Mr. H. C. Macdonald be refused. Ordered further, that no action be taken at present with respect to the other matters reported upon by the Committee.

Ordered that Mr. S. Blackburn, a solicitor of over ten years' standing, whose notice has remained posted as directed, be called to the Bar.

The following gentlemen were then called to the Bar:— Messrs. F. M. Burbidge (with honours), E. P. Brown and H. S. Blackburn.

The letter of Mr. J. A. McAndrew, Clerk of the Supreme Court of Judicature, dated 20th June, 1904, enclosing a copy of a Rule to be considered at a future meeting of the Judges was read.

The letter of V. M. Porter, Secretary of the Executive Committee of the American Bar Association, dated 22nd April, 1904, addressed to Mr. Macbeth, the Secretary of the Law Society of Upper Canada, was read, whereby it was requested that the names of the delegates named by the Law Society of Upper Canada to attend the Universal Congress of Lawyers and Jurists to be held in St. Louis, September 28th-30th, 1904, be transmitted at an early day.

Convocation referring to its minute of 4th February, 1904, ordered that:—

Æmilius Irving, Treasurer and President of the Law
Society of Upper Canada,
Allen Bristol Aylesworth,
William Renwick Riddell,
James Morrison Glenn,

all of whom are King's Counsel and Benchers of the Law

Society, be appointed and requested to attend at the said Congress to represent the Bar of Ontario, on the said occasion.

The Secretary, Mr. Herbert Macbeth, was ordered to transmit a copy of the said order under the Common Seal of the said Society, and attested by the Treasurer and Secretary, to Mr. V. M. Porter, Secretary of the Executive Committee as aforesaid, 220 N. Fourth Street, St. Louis, U.S.A.

Proceedings of the
LAW SOCIETY OF UPPER CANADA.

TRINITY TERM.

Thursday, September 15th, 1904.

PRESENT.—The Treasurer and Messrs. Barwick, Bayly, Bruce, Foy, Glenn, Kerr, Lash, Lynch-Staunton, Mabee, McKay, McPherson, Nesbitt, Riddell, Ritchie, Strathy, Thomson and Wilson.

On the subject of representatives to the Universal Congress of Lawyers and Jurists, to be held at St. Louis on the 28th-30th days of September, 1904, the Treasurer was instructed in the event of any of the representatives named being unable to attend, that he give credentials to any other members of Convocation who may desire to be present and take part in the said Congress.

Mr. Bruce, from the Committee on Journals and Printing, presented the following report:—

The Committee on Journals and Printing, to whom it was on the 20th day of May, 1904, referred to consider and report on the expediency of making efforts to prevent the practice now common among officials of the Surrogate Court, of supplying information about the affairs of deceased persons to the public press, without the consent of the parties interested, beg to report and recommend as follows:—

1. They find that the practice, which is of comparatively recent origin, has now become general throughout the Province, and that in many instances the information is supplied to the press by the Registrars without compensation, and not as the result of a search, while in some cases an annual sum is paid to the Registrar.

2. That the press representatives are not entitled to information in respect to the estates of deceased persons on any different terms from the rest of the community, that is, on inquiry for information as to a named estate, and on payment of the proper fee for a search, and as the publication of the particulars of such estates is distasteful to relatives and persons interested therein, your Committee recommend that a representation be made to the

Attorney-General with a view to his taking such action for the prevention of the practice objected to, as he may think proper.

The report was adopted.

Mr. McPherson's motion with reference to Discipline complaints, of the 20th May, which had been ordered to stand for to-day, was referred to the Discipline Committee to report whether the proposed motion contains any suggestions which if enacted would enable them more satisfactorily and expeditiously to deal with matters under Rule 99.

Mr. Strathy, on behalf of the Discipline Committee, reported upon the complaint of Robert Carpenter against Mr. A. B. Upon a division after debate, Convocation was of opinion that no *prima facie* case had been shown.

Mr. Lash was elected as representative on the Senate of the University of Toronto.

Friday, September 16th.

PRESENT.—The Treasurer and Messrs. Hogg, Hoskin, McPherson, Riddell, Shepley, Strathy, Thomson and Wilson.

Ordered, upon a report of the Legal Education Committee, that the services respectively of Mr. J. A. Horning and Mr. G. B. McConachie be allowed. That the following gentlemen be called to the Bar and receive their certificates of fitness as solicitors:—G. M. Clark (with honours and gold medal), J. B. Bartram, N. G. Heyd, G. B. McConachie, E. J. Stewart and W. S. Lane (all with honours); also J. A. Horning, H. L. Lazier, H. B. Johnson, F. D. Hogg, J. E. Swinburne, J. T. Muleahy and D. B. Kerr. That Mr. J. M. Ferguson be called to the Bar with honours.

The gentlemen named in the above report were all then introduced and called accordingly, and Mr. G. M. Clark was presented with the gold medal.

Mr. James H. McCurry, who had been ordered for call in Michaelmas Term, 1894, was also introduced and called to the Bar.

Friday, 23rd September.

PRESENT.—The Treasurer and Messrs. Bruce, Guthrie, McPherson, Shepley and Thomson.

Ordered, upon a report of the Legal Education Committee, that the petition of Mr. C. J. McLaughlin be not granted. That the following gentlemen be called to the Bar and receive their certificates of fitness: W. H. Price and W. J. Hanley (both with honours), also M. G. Hunt and J. B. Coyne. That the service of Mr. J. M. Ferguson be allowed as sufficient, and that he do receive his certificate of fitness. That Mr. H. F. Williams be called to the Bar.

An advertisement for applicants to fill the office of Examiner in the Law School, to fill a vacancy occurring 20th November, was ordered to be inserted in the newspapers as usual; and it was ordered that a special call of the Bench be made for Thursday, 24th November, 1904, for the purpose of appointing an Examiner for the Law School.

Messrs W. H. Price and W. J. Hanley (both with honours), and Messrs. M. G. Hunt, J. B. Coyne and H. F. Williams, were called to the Bar.

Ordered, upon a report by the Legal Education Committee upon the results of the Supplemental Examinations of the Third Year, that Messrs. H. M. Deroche and P. A. Gahan be called to the Bar, and that Mr. Deroche do also receive his certificate of fitness.

Mr. H. M. Deroche then attended and was called to the Bar.

Proceedings of the
LAW SOCIETY OF UPPER CANADA.

*To the Treasurer and Benchers of the
Law Society of Upper Canada,*

Gentlemen,—

In accordance with your resolution and the rules of the Society, I have during the year inspected the County Law Libraries, other than that at Rat Portage, and beg to submit this report. 54

With very few exceptions, the suggestions I made to the various Associations have been carried out and the improvement resulting in the various libraries is very marked, and the condition of the libraries throughout more satisfactory. In nine libraries now, the Reports and Statutes are annotated and kept up to date, which is a matter of the utmost importance to members of the profession and renders the library more valuable than it would otherwise be.

The greatest improvement has been made this year at the library at Welland, the Association having secured more convenient and better accommodation. The library is now housed in a well lighted and comfortable room, convenient to the Court Room, and has the services of a librarian to look after the books. The members have also doubled their fees, so as to provide revenue sufficient to maintain and improve the library.

The Ontario Law Association has also shown great improvement this year.

It must not be thought, however, that because particular mention is made of one or two, that the others are not deserving of mention, but I make these individual references simply for the purpose of drawing the attention of the profession at large to particular advances which are made from time to time in the various Associations.

There is thus little to report, save general progress, but I will again draw the attention of the various Associations to certain points mentioned in my former reports.

There are indications in some Associations, that the idea of permanence and continuity is lost sight of. It must be remembered that these Associations are formed for the purpose of looking after the interest of the profession generally, and particularly by supplying a first-class and up-to-date library for the convenience of all. A general policy should therefore be adopted, and form the basis on which the revenue of the Association is to be expended from year to year, and this policy should be such, that in years to come, the members of the Association will benefit to as great an extent as possible. The minutes and accounts of the Association should be kept in a well bound book, which would form a permanent record of its progress. As an aid to the Secretary in keeping track of the purchases, a day book should be kept, in which should be entered each book as it is received, together with particulars of its cost, where obtained, etc. From this day book, it would be an easy matter to enter up the catalogue, and it would save much time in looking over the minutes and accounts when reports are to be made, either to the Association or to the Law Society. The easier the routine work of an officer of an Association is made, the more energy he will have to devote to the higher interests of the Association. A catalogue, which should be in a very strongly bound book, is a necessity, as when officers change it serves as a record from which the new officers can ascertain exactly what they are responsible for. Everything depends on the officers, and in every Association there are men available who would make it a point to have an active Association, and consequently the best available library.

With the multiplicity of law books, it is hardly possible for practitioners to maintain their private libraries, and more and more they are ceasing to do so, and it is in this respect that the Associations can be of great aid and assistance. In one instance this year, the members have doubled their fees with the intention of making one general and complete library, instead of

many incomplete ones. The majority of the Associations are so small that a policy such as this, I think, would meet with the approval of all if properly discussed and considered, and if adopted would decrease the expenditure of the individual members and increase the benefit to all. It should be remembered, that while these libraries are primarily for the benefit of the local men, they are for the use of the profession at large, and any member of the profession is entitled to expect where a library is maintained, one sufficient for the needs of the case in hand.

The question of a librarian is an important one, and I have urged the Associations to endeavor to obtain the services of some one in the Court House or the vicinity of the library, who would give it the attention it requires. With the exception of the larger centres, the libraries are small and would require comparatively little time spent on them, and the remuneration which the Association could give, would be sufficient incentive to some such one to undertake the work. It is impossible to have in these cases a permanent librarian, but there should be some one whose duty it is to see that the books are replaced in their proper place and the library generally maintained in proper condition. I think it would also be possible for this librarian, if properly instructed, to undertake the annotation of the Reports and Statutes, which when once brought up to date, would entail very little labor.

I also urged on the Associations the advisability of having their Reports and Statutes annotated. These annotations can now be purchased in printed form up to 1902, and comparatively little labor is required to affix them where indicated, and the further annotation could be done by hand. This necessitates some one to some extent acquainted with the work, but a little explanation by the Secretary of the Association to the librarian, would be sufficient in order to insure that it be done properly. The extra trouble and expense in this respect would add a value to the library which could not be estimated in dollars and cents.

There does not appear to be any way of preventing members taking books from the libraries, and the nuisance of this has

been found so great that in one of the Associations a stringent rule has been passed that on no account must a book be taken away from the library. There are very few instances in which the library is conveniently situated to the law offices, and to a practitioner who takes the time to go to the library and cannot find the book he intends to consult, it must be very annoying and discouraging. Where there are permanent librarians the nuisance in this way is very much less, because it is the duty of the librarian to see that books are brought back promptly. It is only where the members of the Association are really obtaining some service, that the Associations can expect to be active and maintain a good library.

I wish to again draw the attention of the Associations to the necessity of making the library quarters attractive. Many of them are well cared for in this respect, but in some there is certainly much room for improvement. Plain walls, in some cases weather stained, crude furniture, uncomfortable chairs and rough floors, are not inviting, and members can hardly be blamed if they prefer to read at home or in their offices. It has been shown in certain instances, that it requires but persistent application on the part of the officers of the Association to secure from the County Councils these necessary improvements. Every library should also be furnished with paper, pens and ink for the use of those who may drop in at any time without having made any special preparation therefor.

Some of the Associations have benefited greatly by the generosity of members of the profession, and I might point out, that many of the Associations are small in number and have not the revenue necessary to purchase very many books. They could be aided materially by donations of duplicate Reports, etc., which are now lying on shelves unused by their owners.

A short report on each library inspected is attached.

All of which is respectfully submitted.

DUNCAN DONALD.

NOVEMBER 15, 1904.

Proceedings of the
LAW SOCIETY OF UPPER CANADA.

MICHAELMAS TERM, 1904.

Thursday, November 24th.

Present: Messrs. Aylesworth, Bayly, Bruce, Clarke, Gibbons, Glenn, Guthrie, Hogg, Hoskin, Kerr, Lynch-Staunton, McKay, McPherson, Nesbitt, Ritchie, Robinson, Shepley, Strathy, Thomson, Watson and White.

In the absence of the Treasurer, Dr. Hoskin was appointed Chairman of Convocation.

Mr. Strathy, from the County Libraries Committee, presented the report of the Inspector for the year 1904 which was read and ordered to be printed with the resume of proceedings and distributed therewith.

Mr. McPherson, from the Special Committee appointed in relation to the question of Conveyancing by others than solicitors, presented the following report:—

1. Your Committee have to report that they have carefully re-considered the Bill (No. 143) entitled "An Act Respecting Conveyancing" and the suggestion of the Honourable the Premier when same was before the Legislature last year that same should be amended by leaving out the provisions therein contained requiring an annual fee to be paid by others than solicitors, and are of opinion that such amendment should be made in order that this objection to the Bill should be removed, and report accordingly.

2. That the Bill as so amended, be re-introduced at the next Session of the Legislature and that the best efforts of the Law Associations and practitioners in the Province be invited in order to have the Bill enacted as amended.

3. That your Committee be continued with authority to arrange as above reported.

The report was adopted.

Convocation then, in pursuance of notice given, proceeded to the appointment of an Examiner for the Law School in pursuance of Rule 39. On ballot, Mr. J. D. Falconbridge was appointed.

Mr. Shepley referred to a dispatch received by the Treasurer from the Honourable the Secretary of State for Canada in connection with proceedings in the Privy Council with the view of saving expense and time. The dispatch was read. Moved by Mr. Shepley, seconded by Mr. Bayly, and ordered that the matter be referred for consideration and report to a Special Committee consisting of Messrs. Aylesworth, Hogg, Riddell, Robinson, Shepley, Watson and the Treasurer, with power to act as expedient, Mr. Watson to be convener.

A notice on behalf of Mr. W. M. Hall, stating that on the 21st instant an order of the High Court of Justice had been made restoring Mr. Hall to the Roll of Solicitors, the order not to be issued until the 26th inst., to give the Law Society and the Attorney-General for Ontario an opportunity to show cause, was read. Convocation did not deem it necessary to take any action.

Friday, November 25th.

Present: Messrs. Hoskin, Lash, McPherson, Robinson, Strathy, and Thomson.

Ordered, upon a report of the Legal Education Committee, that Mr. P. A. Gahan do receive his certificate of fitness. That Mr. K. F. Mackenzie, who has attended the lectures of the first year and passed the examination as a special student, be now, on entering himself in the regular manner as a student at law, allowed said examination. Ordered that the order made in Trinity Term, 1903, allowing Mr. J. M. Crerar to complete his attendance upon certain lectures which he had missed, be varied as recommended by the Committee upon Mr. Crerar's application. Mr. Lash from the same Committee further reported upon the reference by Convocation to said Committee on the 19th May, 1904, of the communication of the Law Society of the North-West Territories, with a view to obtaining terms of reciprocity in the admission of practitioners. The report of the

Committee was in favour of permitting such reciprocity and was adopted. Mr. Lash, leave being given for that purpose, introduced the following rule "187(a) The North-West Territories of Canada shall for the purposes of Rules 183 and 187 be deemed a Province of the Dominion." The said proposed Rule was read a first and second time, and by unanimous consent was read a third time and passed.

Mr. P. A. Gahan was then introduced and called to the Bar.

Friday, December 9th.

Present: The Treasurer and Messrs. Bruce, Chrysler, Guthrie, Robinson and Thomson.

The Treasurer announced that he had received a formal notice of the appointment of the Honourable Francis Robert Latchford as Attorney-General for Ontario with a copy of the patent under the Great Seal of Ontario making such appointment. Ordered that same be transmitted to the Committee on Journals and Printing, for report upon the right of the Honourable Francis Robert Latchford as Attorney-General for Ontario to be a Benchers ex officio of the Law Society (R.S.O. ch. 172, sec. 4).

Mr. Robinson, on behalf of the Special Committee relating to the practice and procedure of the Privy Council appointed on the 24th November, 1904, reported as follows:—

The Special Committee to which was referred the letter of the Attorney-General of the Province of Ontario, together with the enclosures contained therein, with power to act in the matter, beg to present their report, a copy of which has been forwarded to the Attorney-General with the letter, a copy of which accompanies this Report.

The three subjects indicated in the dispatch from the Secretary of State for Canada accompanying the Attorney-General's letter are:—

(1) The attainment of simplicity in the procedure in appeals to His Majesty-in-Council.

(2) The avoidance of unnecessary delay.

(3) The lessening of the expense incident to such appeals.

It is not, however, convenient, and it is hardly possible, to deal with these subjects separately, as their boundaries obviously overlap each other.

Your Committee has had the advantage of the perusal of a memorandum submitted to the Council of the Montreal Bar by its Batonnier on the 29th April last, and have also been much assisted by a memorandum dated the 1st October, 1904, prepared by Sir H. E. Taschereau, Chief Justice of Canada, submitting the synopsis of an identic Act to be passed by the different provinces upon the subject.

Your Committee has reached the following conclusions:—

1. Both delay and expense may be very materially lessened by making some satisfactory provision by which the re-printing of the Record for the Privy Council may be avoided. The present practice is highly inconvenient and unnecessarily costly. The printing done for our own Court of Appeal is now accepted in our Supreme Court, and there seems no good reason why the Case actually printed for the two Canadian Courts mentioned should not, with the necessary additions, constitute the Record for the Privy Council. There are, of course, two ways of bringing this about, the first of which is to induce the Lords of the Judicial Committee to accept the printing done in this country. The other is to have our own Courts adopt, for the case before them in appeal, the manner of printing required by the Judicial Committee. The latter course, in the opinion of your Committee, will probably present fewer difficulties than the former, but in any case, in the view of your Committee, the recommendation embodied in this paragraph is of paramount importance.

2. Your Committee does not agree with the suggestion, made in the memorandum of the Batonnier of the Montreal Bar, that a non-professional agent, *e.g.*, a clerk in the office of the Canadian High Commissioner in London, might be appointed to represent each party for the purposes of the appeal to the Privy Council. The agent appointed should, in the opinion of your Committee, be an English Solicitor, and there should be such an agent appointed for each party to the appeal.

This does not, as will be seen upon an examination of subsequent paragraphs of this Report, at all involve perpetuating the present burdensome expense connected with the appointment of English Solicitors for the purposes of appeals.

3. There should, in the opinion of your Committee, be a very sweeping re-adjustment of the tariff of costs, in so far as the English Solicitor, acting as agent for the purposes of the appeal, is concerned. If either party to the appeal wishes to do so at his own expense, he should, of course, be permitted to instruct his English agent to perform all or any of the services which are now supposed to be performed by him, although, as a matter of fact, in many cases the charges for such services now savour of fiction. It is to be borne in mind that the Record for the appeal and the cases of both parties are now almost universally printed in Canada, and that consequently no responsibility whatever in regard to them rests upon the English Solicitor. The anomalous and fictitious charges which the tariff apparently still permits him to make in connection with such printing ought, your Committee thinks, to be swept away entirely. Then the English practice, as those who are familiar with the preparation for argument in London are aware, includes attendances by the English Solicitor upon consultations between Counsel and upon the argument. These attendances are expensive, and may be left purely optional with each party to the appeal. So long as no charge is made to the opposite party, there can be no objection to the appellant or respondent, as the case may be, having the English Solicitor or agent present at consultations and upon the hearing. It is believed by your Committee that in nearly all cases such attendances by the English agent may safely, and will certainly, be dispensed with, if the tariff is re-adjusted in the line of this suggestion. The re-adjusted tariff should provide for reasonable remuneration to English professional agents, having regard (a) to the fact that they now have not necessarily any responsibility whatever with regard to the preparation and printing of the Record and Case; (b) to the fact that their attendance upon consultations and argument may, as stated

above, be safely dispensed with; (c) to the fact that the services which will then remain to be rendered by them in the course of the appeal will be of a purely ministerial or clerical character.

4. The practice consequent upon the non-appearance, or delay in the appearance, of the respondent upon the appeal, is now productive of great loss of time and enormous unnecessary expense, in the opinion of your Committee. The *Batonnier* of the Montreal Bar calls attention, as does also the Chief Justice of the Supreme Court, to an antiquated, absurd and expensive practice which requires complete revision. Your Committee thinks that the Canadian litigant proposing to appeal to the Judicial Committee, whether from the Court of Appeal for Ontario or from the Supreme Court, ought to be required, within a stated short delay after the delivery of the judgment complained of, to serve upon his opponent a notice, in a prescribed brief form, of his intention so to appeal. This notice, with proof of due service, ought to be incorporated in the case certified by the Registrar of the Court appealed from. Then the rules of the Privy Council ought to require both appellant and respondent, within a stated reasonable delay after the service of this notice, to file with the Registrar of the Committee an appointment, naming a London agent for the purposes of the appeal. This appointment being made by both parties, all services in connection with the appeal ought to be effected upon the agents so appointed. Should the respondent neglect to make the appointment, any subsequent service, unless and until such appointment is made and notified to the other agent, might be made effectively by posting a copy of the document to be served in the office of the Registrar, and service so effected ought to be made good so as to enable the next step in the appeal, dependent upon such service, to be effectively taken on an affidavit of due posting. The passage of such a rule would operate very strongly to secure the appointment of an agent by the respondent in every case. In the next place there should be an absolute repeal of the present practice with regard to posting in the Royal Exchange

and at Lloyd's Coffee House, and the clumsy and dilatory summons to appear and petition for peremptory order to appear, etc., ought to be entirely done away with, the appointment of an agent and the service upon him, or by posting, affording a substituted practice involving no unnecessary delay or expense, and greatly simplifying the procedure.

5. Your Committee is not in accord with, but on the contrary is unanimously and firmly opposed to the suggestion made by the Chief Justice of Canada, which is made, as your Committee understands, as affording a means of surmounting the difficulty dealt with in the last preceding paragraph, viz., that application for leave to appeal to the Privy Council should be made either to the Court of Appeal or to the Supreme Court, as the case may be. Your Committee desires to express its opinion upon this suggestion as emphatically as possible. With regard to appeals from the Court of Appeal no leave is now required, and the proposal that leave should be asked for at all is a distinctly retrograde step, moreover, there seems no reason whatever for transferring to the Supreme Court the power to give leave to appeal from that Court instead of requiring application for such leave to be made to the Judicial Committee where, under the present practice, it has now to be made. Where leave is now required, it is in the nature of an application to the Royal prerogative, and the exercise of that prerogative should not be taken away from the Privy Council at all.

GEO. F. SHEPLEY,

Chairman of the Special Committee.

[Copy of letter to the Attorney-General.]

1st December, 1904.

The Honourable F. R. Latchford, Esq., K.C.,
Attorney-General, etc., etc.,
Parliament Buildings, Toronto.

Dear Sir,—

Upon the 4th October last your predecessor wrote to the Treasurer of the Law Society of Upper Canada, forwarding a

dispatch from the Secretary of State for Canada to the Lieutenant-Governor of this Province upon the subject of amending the present procedure under which appeals lie from the Colonies to His Majesty-in-Council "tending to simplicity, the avoidance of unnecessary delay and the reduction of the cost of appeal."

This communication, with its enclosure, was laid before Convocation at its meeting on the 24th inst., and was referred to a special committee, upon which was placed by Convocation the duty, not only of considering and reporting to Convocation, but also of communicating directly the views of Convocation upon the subject.

Those views are embodied in a report, a copy of which I enclose, and which will be presented to Convocation at its next meeting. It is the sincere wish of Convocation that the views which have been expressed, and the formulation of which has been the subject of very careful consideration, should be communicated in the proper quarter.*

Your obedient servant,

GEO. F. SHEPLEY,

Chairman of Committee.

The report was ordered to be entered on the minutes and Convocation recorded its entire approval of the manner in which the Special Committee had dealt with this very important subject. Ordered that letters be written by the Secretary to the Honourable Sir Elzear Taschereau, Chief Justice of Canada, and to the Honourable F. R. Latchford, Attorney-General for Ontario, enclosing copies of the above report and informing them of the reference of the subject to the Special Committee and of the approval by Convocation of the manner in which the Special Committee had dealt with the matter.

Ordered upon a report of the Legal Education Committee that Mr. W. Johnston be called to the Bar and do receive his certificate of fitness. That Mr. H. F. Williams do receive his certificate of fitness. That the petition of Mr. F. H. Hurley for exemption from lectures be allowed.

Ordered upon a report of the County Libraries Committee that the County of Lambton Law Association, who have transmitted to the Law Society proof of their incorporation and also proof that there has been contributed, in money paid in, the sum of \$220, and that there are at least twenty-two practitioners resident in the County of Lambton, be paid for their initiatory grant the sum of \$440, such sum not exceeding a maximum of \$20 for each practitioner in the said County of Lambton, such payment to be withheld until receipt of a copy of the by-laws containing all provisions required by the Rules of the Law Society.

The Chairman of the Committee on Journals and Printing reported that the Committee had examined the credentials submitted as to the appointment of the Honourable Francis Robert Latchford as Attorney-General for Ontario and that they show that Mr. Latchford did thereby become a member *ex officio* of Convocation pursuant to R.S.O. 1897, chapter 172, section 4. The report was adopted and the Secretary was directed to communicate the finding to the Honourable the Attorney-General.

Mr. William Johnston was then introduced and called to the Bar.

Proceedings of the
LAW SOCIETY OF UPPER CANADA.

STATEMENT OF
RECEIPTS AND EXPENDITURE

OF THE

LAW SOCIETY

FOR THE YEAR ENDING 31st OF DECEMBER, 1904.

(PURSUANT TO R.S.O. CHAPTER 172, SECTION 53.)

The figures on the left are the corresponding items for the year 1903. 56

RECEIPTS.

1903		1904
	Solicitors' Certificates:	
	Paid after the beginning of the year, but payable the Michaelmas previous	\$ 3,300 00
\$4,020 10	Fines Collected	432 00
143 00	Fees and fines in arrear prior to the preceding Michaelmas	451 00
1338 00	Payable in Michaelmas of the current year. 21,810 00	
22,020 00		
\$27,521 10		\$25,993 00
	Barristers' Annual Fees:	
	Paid after the beginning of the year, but payable the Michaelmas previous	440 00
550 00	In arrear prior to the Michaelmas of the preceding year	116 00
148 00	Payable in Michaelmas of the current year. 2,878 00	
2,900 00		
3,598 00		3,434 00
97 00	Notice Fees	93 00
2,650 00	Students' Admission Fees	2,600 00
71 00	Fees on Petitions and Diplomas	58 00
	Law School Tuition Fees	6,570 00
6,800 00	Solicitors' Examination Fees	2,620 00
2,590 00	Call Fees under 57 Vict. cap. 44 and other Cases \$ 800 00	
300 00	Call Fees in Ordinary Cases 4,340 00	
4,210 00		
4,510 00		\$ 5,140 00
\$47,837 10	Carried forward	\$46,508 00

LAW SOCIETY OF UPPER CANADA.

1903		1904
\$47,837 10	Brought forward.....	\$46,508 00
	County Library Loans returned:—	
30 00	Essex.....	30 00
34 50	Peterboro'.....	
52 50	Leeds.....	52 50
18 00	Grey.....	18 00
32 50	Perth.....	32 50
50 00	Lindsay.....	50 00
	Hastings.....	15 00
	Stormont.....	30 00
217 50		228 00
55 71	Commission on Telegraph Messages.....	58 16
2,530 06	Interest and Dividends.....	2,507 14
7 20	Fines in respect of Students' Lending Library.....	50
175 00	Grant from Ontario Government in aid of Telegraph and Telephone Service.....	175 00
26 00	Subscriptions for Statutes for 1903.....	
600 00	“ “ “ 1904.....	18 00
	“ “ “ 1905.....	686 00
626 00		704 00
270 81	Proceeds of Sale of Law reports received from Assignee of Rowsell & Hutchison.....	
51,719 38	Grand Total.....	\$50,180 00
	Received from the publishers of the Consolidated Digest pursuant to contract on sale of manuscript.....	
8,000 00		
	EXPENDITURE.	
	REPORTS—	
2,587 28	Printing Reports.....	2,674 36
	Salaries:—	
2,000 00	Editor.....	2,000 00
1,200 00	Reporter, Q.B.D.	1,200 00
1,200 00	“ C.P.D.	1,200 00
1,200 00	“ Chy. D.	1,200 00
1,200 00	“ “.....	1,200 00
1,200 00	“ Court of Appeal.....	1,200 00
1,200 00	“ Practice Cases.....	1,200 00
9,200 00		9,200 00
\$11,787 28		\$11,874 36
	COST OF CONSOLIDATED DIGEST:—	
	Amount paid to the Editor-in-Chief, Mr. J. F. Smith, as progressive payments on account of the compilation.....	
1,875 00	Stationary, Material and Advertising.....	2 85
13 85	Insurance.....	
117 90	Final payment to Editor-in-chief under contract.....	5,000 00
2,006 75		5,002 85
	LAW SCHOOL:—	
	Salaries:—	
5,000 00	Principal.....	5,000 00
6,000 00	Four Lectures at \$1,500 each.....	6,000 00
1,650 00	Salaries of Examiners.....	1,650 00
\$13,794 03	12,650 00 Carried forward.....	\$16,877 21

LAW SOCIETY OF UPPER CANADA.

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1903			1904
\$13,794 03	\$12,650 00	Brought forward	\$12,650 00
	197 50	Scrutineers at Examinations.....	182 50
	292 35	Printing and Stationery.....	258 16
	728 41	Scholarships and Medals.....	764 86
		Caretaking, Light, Heating, Furniture	
	949 74	and Maintenance.....	990 54
\$14,818 00	—————		—————\$14,846 06

LIBRARY:—

3,629 14	Books purchased	3,462 57
317 75	Binding.....	524 79
98 68	Maintenance including Stationery	238 80
		4,226 16

Salaries:—

	1,800 00	Librarian	1,800 00
	1,000 00	Asst. Librarian.....	1,000 00
		Attendance during even-	
	182 25	ings.....	183 75
	2,982 25	—————	2,983 75
7,027 82	—————		—————7,209 91

LAW COSTS:—

	100 00	Solicitor's Allowance	100 00
	402 57	Taxed Costs and Counsel Fees.....	172 38
502 57	—————		—————272 38

691 70	TELEGRAPH AND TELEPHONE OFFICE.....	756 36
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LIGHT, HEATING, WATER, GROUNDS AND INSURANCE:—

		Payment to Ontario Government for Steam	
	890 00	Heating	890 00
	700 03	Lighting.....	602 28
	108 39	Heating	134 03
	202 11	Water	187 54
	1,094 63	Grounds	1,158 34
		Insurance on all property at Osgoode Hall	
	1,583 70	for three years.....	
	5 00	Insurance on Books at Bindery	7 50
		Rent for Safe Deposit Drawer for Inven-	
	8 00	tories	8 00

	87 93	Workmen's Risks and Insurance on work	
		in Progress	
4,679 79	—————		—————\$ 2,987 69

2,372 38	ADDITIONS, ALTERATIONS, REPAIRS AND FURNI-	
	TURE.....	431 91

	RENOVATION OF IRON FENCE.....	432 50
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\$43,886 29	Carried forward	\$43,814 02
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1903		1904
\$43,886 29	Expenditure—Brought forward	\$43,814 02

COUNTY LIBRARIES AID:—

Annual Grants.

\$ 180 00	Brant	\$ 239 00
71 67	Bruce	70 67
545 00	Carleton	555 00
170 00	Elgin	150 00
166 67	Essex	156 67
122 00	Frontenac	160 00
103 34	Grey	120 00
574 90	Hamilton	535 00
110 67	Hastings	109 67
221 34	Huron	213 34
201 67	Kent	145 00
196 67	Leeds	188 67
190 00	Lindsay	182 50
497 50	Middlesex	482 50
55 00	Norfolk	45 00
96 67	Ontario	53 85
	Oxford (for four years)	346 25
113 34	Perth	123 33
168 00	Peterborough	163 00
105 00	Rainy River	
114 67	Simcoe	118 67
85 00	Stormont	113 33
	Waterloo	140 00
55 10	Welland	39 50
195 00	Wellington	185 00
800 00	York	800 00
5,139 21		5,435 95

200 00	Payment to Inspector for 1903	
“ “ “	“ “ “ 1904	200 00

LOANS:—

	Oxford	335 00
300 00	Stormont	
	INITIATORY GRANT—Lambton	440 00
5,639 21		\$ 6,410 95

SECRETARIAT AND CARETAKING:—

1,500 00	Secretary's Salary	1,500 00
100 00	Auditor's Fee	100 00
660 00	Caretaker's Wages	660 00
172 56	General Expenses and Housecleaning	118 07
2,432 56		2,378 07

178 95	PRINTING, ADVERTISING AND STATIONERY.	216 55
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324 29	Printing and distribution of the Rules of Law Society	
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\$52,461 30	Carried forward ...	\$52,819 59
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LAW SOCIETY OF UPPER CANADA.

V

1903		1904
\$52,461 30	Expenditure—Brought forward	\$52,819 59
	SUPREME COURT REPORTS :—	
	Subscription to Vol. 33, as per contract with the Government	
1,925 50	Subscription to Vol. 34, as per contract with the Government.....	1,997 50
	STATUTES :—	
	Payments made for supply of Ontario and Dominion Statutes to members of the Profession subscribing through the Law Society.....	599 97
754 75	COMMITTEE ON UNLICENSED CONVEYANCERS.....	14 90
	MISCELLANEOUS :—	1904
400 00	Portraits.....	100 00
338 00	Term Lunches.....	357 05
250 00	Grant to Widow of the late Secretary....	250 00
83 56	Postage	91 53
10 87	Telegrams.....	2 66
3 00	Rent of Box in Safe Deposit Vaults.....	3 00
16 75	Ice for the year.....	18 00
87	Miscellaneous.....	5 00
10 71	Express and Freight Charges	2 79
10 00	Grant in aid of Circuit Guide.....	10 00
1,123 76		840 03
<u>\$56,265 31</u>		<u>\$56,271 99</u>

Audited and found correct.

W. H. CROSS, *Auditor*.

TORONTO, 9th January, 1905.





